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This social studies unit invites students to consider the philosophical bases of civil disobedience as well as the practical consequences and limits of the use of law-breaking as a means of social protest. The first three sections of the unit focus on the abolitionists' civil disobedience in antebellum America, presenting brief accounts of mob action against "disobedients" and examining the reason for the attacks. Widely divergent arguments for and against civil disobedience by such men as Samuel Spear, Albert Bledsoe, and William Channing are included, together with a long excerpt from Henry David Thoreau's formal argument on civil disobedience. The final two sections of the unit deal with a modern analogy to the historical situation: the resistance to segregation as well as the view of those "disobedients" who want to maintain the status quo of the Negro. [Not available in hard copy due to marginal legibility of oroginal document.] (Author/JB)

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EXPERIMENTAL MATERIAL
SUBJECT TO REVISION
PUBLIC DOMAIN EDITION

TEACHER'S MANUAL

CIVIL DISOBEDIENCE, 1830-1850, AND A MODERN ANALOGY

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The Francis W. Parker School
Chicago, Illinois

This material has been produced
by the
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TE 499 929

NOTE TO THE PUBLIC DOMAIN EDITION

This unit was prepared by the Committee on the Study of History, Amherst College, under contract with the United States Office of Education. It is one of a number of units prepared by the Amherst Project, and was designed to be used either in series with other units from the Project or independently, in conjunction with other materials. While the units were geared initially for college-preparatory students at the high school level, experiments with them by the Amherst Project suggest the adaptability of many of them, either wholly or in part, for a considerable range of age and ability levels, as well as in a number of different kinds of courses.

The units have been used experimentally in selected schools throughout the country, in a wide range of teaching/learning situations. The results of those experiments will be incorporated in the Final Report of the Project on Cooperative Research grant H-168, which will be distributed through ERIC.

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This unit was initially prepared in the summer of 1965

INTRODUCTION TO THE UNIT

Teen-agers are exposed to increasing displays of disregard for the law. On television and in the head-lines the examples have been constant and profuse. Whether our students' own peer groups tell them its "cool" to break the law, or that it is wrong to do so, this is a matter of great interest and concern to them--and it must be so for us too.

Is it ever right to break the law? Under what conditions do some people think it is right to break the law? Can a society be strong if it tolerates people who deliberately break the law? These are the sort of questions with which this unit seeks to deal. The unit does not pretend to answer those questions but is directed toward helping the student find possible ways of considering them, --ways which will help him see the question with some historical perspective, help him raise his own intellectual level of approach, and give him new tools to apply to problems of his own society.

The unit is divided into seven sections. The first five describe and expose the problem of civil disobedience during the period 1830-1850. In that period incidents of civil disobedience centered primarily on objections to the continued legality of slavery, to the Fugitive Slave Law which had been passed in 1793, and to the Fugitive Slave Law of 1850. The sixth section deals with examples of civil disobedience between 1955-1965, describing and discussing resistance to the continued enforcement of segregation laws or laws which dissidents contend are used as a means of discriminating against Negroes. The seventh section, also using modern incidents, looks at the question from a different point of view. While in each of the other sections, the people who were refusing to obey certain laws were opposing slavery, or championing the cause of an oppressed people, in the seventh and final section, the "disobedients" are those who seek to uphold the status quo of the Negro in the United States. This section should strain to the utmost the student's ability to be objective no matter where his personal bias would tend to lead him. It should also emphasize the impossibility of simple answers to so complex a question.

The following pages contain suggestions for the use of this unit, some general, a few detailed. They can only be suggestions. Each teacher will doubtless wish to adjust the structure and organization to fit her style of teaching--and should feel free to do so.

The first three sections comprise a series of brief, vivid accounts of attacks upon anti-slavery advocates, suggest possible provocations for the attacks by the victims themselves, and present some of society's responses to these attacks. Each section is preceded by background information. The material in these sections is not difficult; it is fairly action-packed and deals with events, people, and places.

If you plan to spend about two weeks on the entire unit, you will probably want to allot three or four days to the first three sections. The nature of the material permits a relatively quick pace and suggests a wide variety of approaches.

Each of the first three sections, for example, might be presented individually, with the students reading a section each night and discussing it in class the following day; or all three might be presented to the students with two class periods and two evenings for reading, in which case the impact of all three sections could be brought into a discussion.

In any event, the first three sections lead from concrete situations to a consideration of abstract principles. If students can be helped to look behind these events in order to consider the ideas which motivated them, they will be ready to deal with the subsequent parts of the unit.

The structure of the first three sections is designed to provoke questions. The introduction to the first section asks the main question outright: "Why were these people attacked?" It is hoped that through the numerous examples and the class discussion, students will realize that although all the victims of attack were opposed to slavery, this opposition alone was not the reason for the attacks. They may find clues and should approach the second section with this question in mind. Here they will find evidence from which they may extract answers. The documents are graphic--William Lloyd Garrison burning the Constitution, Lydia Maria Child discussing with approval the possibility of social intercourse between the two races--the evidence is concrete. The victims of attacks are seen doing and saying things which may have provoked the violence.

In the third section students learn the reaction of other people to the attacks. Here the initial violence is not only related to an immediate issue, slavery, and to a causal relationship, but in addition it is related to the reactions of society. In this section the students find the first intimation of the central question: If a person believes a law is evil, is it right to disobey it?

The letter from William Ellery Channing to James G. Birney, may prove somewhat difficult for some students but is included because it focuses attention on the key question. In it, Channing states explicitly that the abolitionists have broken laws. He also gives his carefully considered opinion that they are performing an important function in society. Students later will read Martin Luther King, Jr. making similar observations. Item three in this section presents a specific rejoinder to Channing's argument, helping to establish at least two points of view in regard to the central question. Later, when reading Section VI, students will find Leibman and some others making similar arguments against civil disobedience.

Section Four presents a variety of views on civil disobedience. These can be discussed in relation to one another and in the light of previous selections. They can also be considered in relation to the long excerpt from Thoreau which comprises the next section of the unit. The readings in Section Four fall into three categories and are grouped that way in the section:

1) explicatory - Spear
2) opposed to civil disobedience - Hallett, Spencer, Bledsoe.
3) justifying civil disobedience - Parker, Channing, The American Anti-Slavery Society.

There may be more material in this section than is possible to use effectively in a limited time. You may find that some documents are more suitable than others for certain types of students. Any number of techniques of selection could be applied to it, and anywhere from two days to a week could be spent considering the opposing points of view presented here.

Section Five consists of one long excerpt from Thoreau's "Essay on Civil Disobedience." In this famous essay Thoreau states explicitly his view of the individual's proper relationship to government, his reasons for disobeying certain laws, his view of the function of conscience, and his concept of the majority of one. This is presented separately and at length because:

1) it is a clear and explicit statement of the formal argument for civil disobedience;
2) it is sufficiently difficult that students will need to concentrate on it for an assignment;
3) it provides good "ammunition" for both sides, opponents find it easy to attack;
4) its main points are raised again and again by subsequent proponents, helping to establish the analogical relationship between historical and modern situations.

Section Six presents a modern analogy to the historical situation the students have been studying. While no analogy is perfect, there are numerous points of comparison which can be used both to deepen the students' understanding of the earlier problem and to help them deal with the present one. In a sense this section is thus a recapitulation of the previous five, opening with some descriptions of violence and then moving quickly to a consideration of civil disobedience as a means of social protest and change. Arguments on both sides of the question are presented. While some of them may be difficult, the careful preparation of the earlier sections should ease the burden.

This section is probably too long to be completed in one assignment. You may wish to spend as long as a week on it or assign only selected items from the readings. This might be a good time for a radical change of pace. It is very likely that illustrations from current situations will already have been referred to in class discussions. In any event, a brief research and writing assignment requiring the use of the Reader's Guide to Periodical Literature, newspaper files, and --if possible--participants in local incidents of civil disobedience would make the situation more real to the student. Such research, used for a brief paper at the end of the unit, might be done outside of school hours, while the regular class periods could be devoted to reading the documents. Then, armed with their own research into current situations as well as with the material provided in the unit, students would be prepared to discuss the ideas as well as the events. These culminating discussions should help the student clarify further his own thinking in regard to the role of law in a society which must deal with moral as well as legal problems.

The final section presents the same idea from another point of view. In this section it is the segregationists who declare their moral duty to disobey laws which they claim to be unjust. The first reading is brief and explicit. The second may prove formidible to some students. The purpose of this section is to illuminate even more sharply if possible the basic question, to emphasize again the infinite complexity of the central question of the unit, and to give the students more experience in dealing in a rational manner with emotion-packed questions.

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SECTION I

SIGNS OF THE TIMES

The America of the early 1800's was tumultuous. Plans for humane improvements and plans for getting rich quick ran side by side through the society like alternating currents of electricity. The new union of states was still cutting its baby teeth on the same old problems of government and power, man and morals, that had long ago worn down many a more invincible social organization.

In the South, Cotton was King, the land was being farmed out, and the slaves were multiplying. In the North, industry was developing, aided by the tariffs and by the steady influx of cheap immigrant labor.

In the middle, sat Congress: the Senate maintaining its precarious balance between the two sections; the House, with its rapidly increasing industrial-city-population base, becoming more "free state" every year and putting significant federal power into the hands of the eastern industrialists.

In this uneasy and unruly society, tumult and change were part of the daily scenery. Theological arguments hissed and sizzled with the damnation of hellfire. Humanitarianism was rampant, often raucous, and self-righteousness reigned supreme in all the pursuits of man.

Here are some descriptions of various attacks on individuals during those vigorous years. As you read them, see if you can find any similarities among these occurrences. Are there any characteristics common to all which might help explain why these people were attacked?

1. The following account is from a work by Parker Pillsbury, who describes events he had witnessed. Mr. Pillsbury defined the term "anti-slavery apostles" as applying only to those whose work was in the lecturing field, "who literally went everywhere preaching the word, often with their lives in their hands."[1]

> . . . [The] brave faithfulness of Mr. [Stephen S.] Foster to the enslaved and to his own solemn convictions, soon triumphed over . . . religious despotism. He conceived the idea of entering the meeting houses on Sunday, and at the hour of sermon, respectfully rising and claiming the right to be heard then and there, on the duties and obligations of the church to those who were in bonds at the south.
>
> Perhaps his most memorable experience at the hands of the civil law, at the time, was in Concord, in June, 1842. . . . At the close of the long prayer of morning service, during which, in those days, the congregation all reverently rose and stood, Foster remained standing and when the people were seated, he commenced in a low, solemn and devout manner to say that he wished to speak a few words in behalf of two and half millions of our kidnapped and enslaved countrymen. Nearly all appeared deeply attentive, and the scene was profoundly serious and impressive, as became the hour, the place and the theme.
>
> But instantly, the minister from the pulpit called out with much anger, 'Mr. Foster, we must not be disturbed in our worship!' At the same time a man high in authority, stalked across the house . . . and seized him by the arm. . . . [Foster] was perfectly serene, gentle, orderly and respectful. . . . He mildly asked the officer . . . if such conduct as his became a christian, and if Jesus Christ ever interrupted respectful speaking in such a way or forced anybody out of the house only for speaking? . . . [The] officer . . . ordered up the sexton and several others . . . and seizing hold of him, carried him by main brute force out of the house, he making no resistance nor proffering any resistance by using his own strength or limbs. . . .
>
> All this transpired at the morning service. In the afternoon, Mr. Foster felt constrained to enter the church again and attempt to speak a few words before the services commenced. . . .
>
> He commenced speaking as soon as he entered and before the performances had begun. Immediately some young men, without order or authority . . . most ferociously seized him, dragged him down the aisle and cast him down as far as the broad stairs of the ascent, from which he was

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[1] Parker Pillsbury, _Acts of the Anti-Slavery Apostles_ (Clague, Wegman, Schlicht, & Co., New York, 1883), 129-134.

forthwith, in the very spirit of most malignant murder, hurled down the entire stairway, and then with kicks, hair-pulling and other indignities thrown out on the ground.

2. The heat generated by the discussions over slavery is illustrated by the following graphic account by William Lloyd Garrison of an attack upon him.[2]

> As the meeting was to commence at three o'clock P.M. /Oct. 21, 1825/, I went to the hall about twenty minutes before that time. Perhaps a hundred individuals had already gathered around the street door, and opposite to the building their number was rapidly augmenting. On ascending into the hall, I found about fifteen or twenty ladies assembled, sitting with serene countenances, and a crowd of noisy intruders . . . through whom I urged my way with considerable difficulty. "That's Garrison," was the exclamation of some of their number, as I quietly took my seat. Perceiving that they had no intention of retiring, I went to them and calmly said, "Gentlemen, perhaps you are not aware that this is a meeting of the Boston Female Antislavery Society, called and intended exclusively for ladies and those only who have been invited to address them. Understanding this fact, you will not be so rude or indecorous as to thrust your presence upon this meeting. If, gentlemen," I pleasantly continued "any of you are ladies in disguise,--why, only apprise me of the fact, give me your names, and I will introduce you to the rest of your sex, and you can take seats among them accordingly.". . .
>
> The stairway and upper door of the hall were soon densely filled with a brazen-faced crew, whose behavior grew more and more indecent and outrageous. Perceiving that it would be impracticable for me, or any other person to address the ladies; and believing, as I was the only male Abolitionist in the hall, that my presence would serve as a pretext for the mob to annoy the meeting, I held a short colloquy with the excellent President of the Society, telling her that I would withdraw unless she particularly desired me to stay. It was her earnest wish that I would retire, as well for my own safety as for the peace of the meeting.
>
> In the mean time the crowd in the street had augmented from a hundred to thousands. . . . /The/ Mayor had now arrived. .... As well might he have attempted to propitiate a troop of ravenous wolves. None went away, but the tumult continued momentarily to increase.
>
> Notwithstanding the presence and frantic behavior of rioters in the hall, the meeting of the Society was regularly called to order by the President. She read a select and appropriate portion of Scripture, and

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[2] William L. Garrison, Papers Relating to the Garrison Mob, Theodore Lyman, ed. (Welch, Bigelow and Company, Cambridge, 1870), 31-38.

offered a fervent prayer to God for direction and succor, and the forgiveness of enemies and rioters. . . . They now attempted to break down the partition, and partially succeeded; but that little band of women still maintained their ground unshrinkingly, and endeavored to transact their business. . . . An assault was now made upon the door of the office, the lower panel of which was instantly dashed to pieces. Stooping down, and glaring upon me as I sat at the desk, writing an account of the riot to a distant friend, the ruffians cried out--"There he is! That's Garrison! Out with the scoundrel!" . . .

Two or three constables having cleared the hall and staircase of the mob, the Mayor came in and ordered the ladies to desist, assuring them that he could not any longer guarantee protection. . . . Accordingly they adjourned, to meet at the house of one of their number; for the completion of their business; but as they passed through the crowd they were greeted with "taunts, hisses, and cheers of mobocratic triumph, from gentlemen of property and standing from all parts of the city." Even their absence did not diminish the throng. . . . [The] ladies were not there; but "Garrison is there!". . . "Garrison! Garrison! We must have Garrison! Out with him! Lynch him!" . . .

It was now apparent that the multitude would not disperse till I left the building, and as an egress out of the front door was impossible, the Mayor and some of his assistants, as well as some of my friends, earnestly besought me to escape in the rear of the building.

Preceded by my faithful and beloved friend, J.R.C., Idropped from a back window on to a shed, and narrowly escaped falling headlong to the ground. We entered into a carpenter's shop, through which we attempted to get into Wilson's Lane, but found our retreat cut off by the mob. They raised a shout as soon as we came in sight; but the proprietor promptly closed the door of his shop, kept them at bay for a time, and thus kindly afforded me an opportunity to find some other passage. I told Mr. C. it would be futile to attempt to escape,--I would go out to the mob, and let them deal with me as they might elect; but he thought it was my duty to avoid them as long as possible. We then went upstairs and, finding a vacancy in one corner of the room, I got into it, and he and a young lad piled up some boards in front of me to shield me from observation. In a few minutes several ruffians broke into the chamber, seized Mr. C. in a rough manner, and led him out to the view of the mob, saying, "This is not Garrison, but Garrison's and Thompson's friend, and he says he knows where Garrison is, but won't tell." Then a shout of exultation was raised by the mob, and what became of him I do not know; though as I was immediately discovered, I presume he escaped without material injury. On seeing me, three or four of the rioters, uttering a yell, furiously dragged me to the window, with the intention of hurling me from that height to the ground; but one of them relented, and said, "Don't let us kill him outright." So they drew me back, and coiled a rope about my body,--probably to drag me through the streets. I bowed to the mob, and, requesting them to wait patiently until I could descend, went down upon a ladder that was raised for that purpose. I fortunately extricated myself from the rope, and was seized by two or three of the leading rioters, powerful and athletic men, by whom I was dragged along . . . a friendly voice in the crowd shouting, "He shan't be hurt! He is an American!" This seemed to excite sympathy in the breasts of some others, and they reiterated the same cry. Blows, however, were aimed at my head by such as were of a cruel spirit, and at last they succeeded in tearing nearly all my clothes from my body. Thus was I dragged through Wilson's Lane into State Street, in the rear of the City Hall. . . .

As we approached the south door, the Mayor attempted to protect me by his presence; but as he was unassisted by any show of authority or force, he was quickly thrust aside; and now came a tremendous rush on the part of the mob to prevent my entering the hall. For a time the conflict was desperate; but at length a rescue was effected by a posse that came to the help of the Mayor, by whom I was carried up to the Mayor's room. . . .

After a brief consultation, the mob densely surrounding and threatening the City Hall and Post-Office, the Mayor and his advisors said that my life depended on committing me to jail, ostensibly as a disturber of the peace. Accordingly a hack was got ready at the door, and I was put into it supported by Sheriff Parkman and Ebenezer Bailey, the Mayor leading the way. And now ensued a scene which baffles all description. As the ocean, lashed to fury by a storm, seeks to whelm a bark beneath the waves, so did the mob, enraged at their disappointment, rush like a whirlwind upon the frail vehicle in which I sat, and endeavored to drag me out of it. Escape seemed a physical impossibility. They clung to the wheels, dashed open the doors, seized hold of the horses, and tried to upset the carriage. They were, however, vigorously repulsed by the police, a constable sprang in by my side, the doors were closed, and the driver, using his whip on the bodies of the horses and on the heads of the rioters, happily made an opening through the crowd, and drove with all speed to Leverett Street.

In a few moments I was locked up in a cell, safe from my persecutors, accompanied by two delightful associates,--a good conscience and a cheerful mind.

3. A vivid description of the abolitionist movement and its problems was written by an English woman, Eliza Wigham, whose work was widely distributed in Great Britain.[3]

In 1838, a second convention of women was held; and on this occasion it was that the most violent attacks were made upon them. The Legislature of Pennsylvania had been aroused to fiercer persecution of the free people of colour, and had denied them civil rights, which before had been accorded them. When, therefore, the friends of the slave began to assemble in the Quaker city, and the coloured people flocked to join them in Pennsylvania Hall, the violence and rage of the populace knew no bounds. A yelling mob beset the doors, and fierce shouts of wrath interrupted the proceedings of the meeting; but the mild voice of Angelina Weld was heard above the uproar, and Maria W. Chapman appeared on the platform to take her stand at the post of peril. She was ill; an attack of fever rendered her almost unable to stand; but her personal beauty accorded well with the thrilling tones of her voice and the summary of duty she strove to enforce:--"Our principles teach us to avoid that spurious charity which would efface moral distinctions, and that our duty to the sinner is not to palliate, but to pardon--not to excuse, but to forgive, freely, full, as we hope to be forgiven." The fury of the mob manifested itself in threats and insults for four days and nights, yet no action was interposed on the part of the authorities; and at last the rioters broke into the Hall, heaped the furniture and books in the centre, and burned them and the building together. Not satisfied with this sacrifice to their rage, they set afire to the Coloured Orphan Asylum, which had no more to do with abolition than any other benevolent institution in Philadelphia.

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[3] Eliza Wigham, The Anti-Slavery Cause in America and Its Martyrs (A. W. Bennett, London, 1863), 35-37.

4. The following two excerpts are from William Birney's biography of his father, James G. Birney, a well-known abolitionist:[4]

The most dangerous mob at Cincinnati was the one in 1841, against the English confectioner, Burnett. He was a zealous abolitionist, bold as a lion, and had a sharp tongue which he used freely against slave-holders and their abettors. He was generous and genial, and had warm friends. Having rescued a slave girl and sent her safely to Canada, he jeered at the masters and some constables who were seeking the fugitive. The anti-English mania was aroused. A mob collected on three successive evenings to take Burnett from his house and hang him. He disdained to run; besides his person was so generally known that he could hardly have escaped. Twelve friends helped him and his two sons to defend his house. The numerous assaults were repulsed by throwing lumps of stove coal from the upper windows. A large quantity was daily transferred from the cellar to the upper floors. Firearms were reserved for the last resort. . . . Many of the assailants were severely injured; but the assailed, owing to the adjustment of slanting barricades in front of the windows and the great strength of the lower door and window blinds, escaped with a few bruises. On the third night, at a very late hour, the mayor interfered; but not until the garrison had threatened to use its firearms. . . . He /the mayor/ was a bitter anti-abolitionist, and probably thought it desirable that Burnett and his friends should be worsted. At any rate, he let the mob run for three nights. . . .

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[4] William Birney, James G. Birney and His Times (D. Appleton and and Company, New York, 1890), 251-252, 241-247.

> At midnight July 12, 1836, a band of thirty or forty men, including those who stood as sentries at different points on the street, made an assault on the premises of Mr. Pugh, the printer, scaled a high wall by which the lot was enclosed, and with the aid of a ladder and plank mounted the roof of the press-office. They then made their way through a window on the room into the room below, intimidated into silence. . . a boy who was asleep there . . . tore up the paper that was prepared for that week's number of the 'Philanthropist', as well as a large part of the impression of a number that had not been mailed, destroyed the ink, dismantled the press, and carried away many of its principal parts . . . .
>
> On Saturday night, July 30, very soon after dark, a concourse of citizens assembled at the corner of Main and Seventh Streets in this city, and, upon a short consultation, broke open the printing-office of the 'Philanthropist', the abolition paper, scattered the type into the streets, tore down the presses, and completely dismantled the office. . . . A portion of the press was then dragged down the Main Street, broken up, and thrown into the river. The Exchange was then visited and refreshments taken. . . . An attack was then made upon the residence of some blacks in Church Alley; two guns were fired upon the assailants and they recoiled. . . . A second attack was made, the houses were found empty and their interior contents destroyed. . . .

5. The Reverend Elijah P. Lovejoy, who is the principal figure in the following selection, was editor of "The Observer," an abolitionist newspaper printed at Alton, Illinois. Lovejoy had been forced to move several times because of vigorous local objections to the publication of his newspaper.[5]

> On Monday evening [November 4, 1837] between forty and fifty citizens met in the warehouse of Godfrey, Gilman & Co., where the [printing] press was to be stored, in order to form themselves into a volunteer company, to act under the direction of the Mayor, in defense of the law. . . . The Editor of the "Observor" was not there. His dwelling had been attacked but a few nights before, and himself and sister narrowly escaped being hit with a heavy brickbat, sufficient to take life. In consequence of the nightly expectation of an assault, he made arrangements with a brother then with him, to watch alternately every other night, at home and at the store. . . .

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[5] Joseph C. and Owen Lovejoy, Memoir of the Rev. Elijah P. Lovejoy (J. S. Taylor, New York, 1838), 283-292.

About ten o'clock /November 5/ the drunkeries and coffee-houses began to belch forth their inmates, and a mob of about thirty individuals armed, some with stones, and some with guns and pistols, formed themselves into a line on the south end of the store next to the river, knocked and hailed the store. . . . /O/ne of the owners of the store asked them from the garret door, what they wanted. Their leader, William Carr, replied, "the press," Mr. Gilman told them that it would not be given up. . . . The mob then went round to the opposite side of the warehouse, and commenced throwing stones, which soon demolished several windows. Those in the building had agreed not to fire unless their lives were endangered. After throwing stones for some time, the mob fired two or three guns into the building, without however wounding anyone. The fire was then returned from within, two or three guns discharged upon the rioters, several of their number wounded, and one by the name of Bishop, mortally. This checked the efforts of the mob and they departed, carrying away those that were wounded. The number is not known as they were concealed by their friends. After a visit to the rum shops, they returned with ladders and other materials to set fire to the roof of the warehouse, shouting with fearful imprecations and curses, "Burn them out, burn them out." They now kept themselves on the side of the building where there were no windows, so that they could not be annoyed or driven away by those within the building, unless they came out. This of course would be extremely dangerous, as the night was perfectly clear, and the moon at its full. The Mayor and Justice Robbins were then deputed by the mob to bear a flag of truce to those within, proposing as terms of capitulation, that the press should be given up, and on that condition, they might be permitted to depart unmolested, and that no other property should be destroyed. . . . They promptly replied that they came there to defend their property, and should do it. . . . On returning and reporting the result of his embassy, the mob set up a shout, and rushed on with cries of "Fire the building . . ." "Shoot every damn Abolitionist as he leaves! . . ."

The mob now raised their ladders and placed them on the north-east corner of the store, and kindled a fire on the roof, which although of wood did not burn very readily. About five individuals now volunteered to go out and drive them away. They left the building on the south end, came around to the south-east corner of the building, turned the angle, and two or three fired upon the man on the ladder, drove him away and dispersed the mob. They then returned into the store and re-loaded. Our brother and Mr. Weller, with one or two others again stepped to the door, and seeing no one, stood looking round just without the threshhold, our brother being a little before the others and more exposed. Several of the mob had in the meantime, concealed themselves behind a pile of lumber that lay at a short distance. One of them had a two-barrelled gun and fired. Our brother received five balls, three in his breast, two on the left and one on the right side, one in the abdomen, and one in his left arm. He turned quickly round into the store, ran hastily up a flight of stairs, with his arms across his breast, came into the counting room, and fell, exhausted claiming, "Oh God I am shot, I am shot," and expired in a few moments. . . . Mr. Harnud then went up to the scuttle, and informed the mob that Mr. Lovejoy was dead and that they would give up the press, provided they might be allowed to escape unmolested. When this announcement was made the mob set up a yell of exultation which rent the very heavens, and swore that they should all find a grave where they were. . . . All except two or three then laid down their arms, left the building at the southern door, and fled down the river. As they escaped, they were fired upon by the mob . . . The mob then rushed into the building--the fire being extinguished--threw the press out of the window upon the shore, broke it to pieces, and threw it into the river. They destroyed no other property except a few guns. They offered no indignity to their murdered victim, who lay on a cot in the counting-room. . . . The next morning the bloody remains of our brother were removed by a few friends from the warehouse to his dwelling; and as the hearse moved slowly along through the street, it was saluted with jeers and scoffs, which showed that the hatred of his enemies still raged in their breasts, unsatisfied even with his blood. . . .

6. The following excerpts are from a book by Harriet Martineau, a well-known French woman who travelled extensively in the United States in the first half of the nineteenth century.[6]

On the 22d of March, 1833, there appeared in the "Liberator" the following advertisement:--

> Principal of the Canterbury (Connecticut) Female Boarding School, returns her most sincere thanks to those who have patronized her School, and would give information that, on the first Monday of April next, her School will be opened for the reception of young Ladies and little Misses of color. The branches taught are as follows:--Reading, Writing, Arithmetic, English Grammer, &c. /sic/. . . .

The reason of this announcement was, that Miss Crandall, a young lady of established reputation in her profession, had been urgently requested to under-take the tuition of a child of light color, had admitted her among the white pupils, had subsequently admitted a second, thereby offending the parents of her former pupils; and, on being threatened on the one hand with the loss of all her scholars, and urged on the other to take more of a dark complexion, had nobly resolved to continue to take young ladies of color, letting the white depart, if they so pleased. . . .

A town meeting was called on the appearance of the advertisement, and the school was denounced in violent terms. Miss Crandall silently prosecuted her plan. The legislature was petitioned, through the exertion of a leading citizen . . . and a law was obtained in the course of the month of May, making it a penal offence to establish any school for the instruction of colored persons, not inhabitants of the State, or to instruct, board, or harbor persons entering the State for educational purposes. This law was clearly unconstitutional, as it violated that clause in the constitution which gives to the citizens of each State all the privileges and immunities of the citizens of the several States. Perceiving this, Miss Crandall took no notice, but went on with her school. She was accordingly arrested, and carried before a justice of the peace; and the next spectacle that the inhabitants of Canterbury saw was Miss Crandall going to jail. She was bailed out the next day, and her trial issued in nothing, as the jury could not agree. She was again prosecuted, and again; and at length convicted. She appealed to a higher Court and struggled on through a long persecution till compelled to yield from the lives of her pupils being in danger. Her neighbors pulled down her fences, and filled up her well. All the traders in the place refused to deal with her, and she was obliged to purchase provisions and clothing from a great distance. She and her pupils were refused admission to the churches; her windows were repeatedly broken during the night; and at length the attacks upon her house became so alarming, and the menaces to her pupils on their way to school so violent, that their parents were compelled to hide the children in their own houses, and Mis (sic) Crandall retired from the place.

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[6] Harriet Martineau, The Martyr Age of the United States (Weeks, Jordan & Co., Boston, 1839), 13-25.

The case of the abolitionists will not, however, be truly regarded, if they are contemplated as herding together. . . . They met, in smaller or larger numbers, from time to time; they met for refreshment and for mutual strength; but it was in the intervals of these meetings, the weary, lonely intervals, that their trials befel /sic/ them. It was when the husband was abroad about his daily business that he met with his crosses: His brother merchants deprived him of his trade; his servants insulted him; the magistrates refused him redress of grievances; among his letters he found one enclosing the ear of a negro; or a printed hand-bill offering large rewards for his own ears or his head; or a lithographed representation of himself hanging from a gallows, or burning in a tar-barrel. It was when the wife was plying her needle by the fireside that messages were brought in from her tradesmen that they could supply her no longer. . . . It was in the course of ordinary life that their children came crying from school, tormented by their school-fellows for their parents' principles. . . .

In the month of July, 1835, one of the dismissed students of Lane Seminary, Amos Dresser by name, travelled southward from Cincinnati, for the purpose of selling Bibles and a few other books, as a means of raising funds for the completion of his education. . . . At Nashville, Tennessee he was arrested on suspicion of being an abolition agent. . . . He was brought before a Committee of Vigilance, consisting of sixty-two of the principal citizens, among whom were seven elders of the Presbyterian church. His trunk was brought in before the Committee and emptied. In it were found three volumes, written by abolitionists . . .

and some old newspapers of the same character, used as stuffing to prevent the books from rubbing. . . . Dresser was found guilty of three things: of being a member of an anti-Slavery Society in another State--of having books of an anti-Slavery tendency in his possession, and of being believed to have circulated such in his travels. He was condemned to receive twenty lashes on his bare back in the market place. To the market place he was marched, amidst the acclamation of the mob; and there by torchlight, and just as the chimes were about to usher in the Sunday, he was stripped and flogged with a heavy cowhide. . . .

SECTION II

CLAUSES AND CAUSES

As the 1830's flowed into the forties and the 1840's rolled toward the fifties, it was becoming more and more difficult to be neutral on the slavery issue. Each side declared its grievances and demanded vindication. Slavery became a point of focus for society. Many opposed the Mexican War which began in 1846, claiming that it was merely a means by which the South could acquire more slave territory. The Constitution was condemned as a pro-slavery document by some and as the opposite by others. The Bible was shown clearly to justify slavery--and to condemn it. The movements for prison reform and women's rights somehow became tangled up with the cause of the slave. During these decades humanitarian movements burgeoned in many parts of the world, culminating in several countries in the emancipation of slaves and the prohibition of slavery. In the United States, however, 1850 saw Congress pass the stringent Fugitive Slave Law.

The Constitution, written in 1787, included the following clause in Article IV, Section 2:

> No person held to Service or Labour in one State, under the Laws thereof, escaping into another shall, in the Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Often referred to as the Fugitive Slave Clause, this was the constitutional foundation for a law passed by Congress in 1793. That law was so easily evaded, without actual disobedience, that in 1850 under tremendous pressure from the Southern States it was replaced by a harsher law. The new law, part of the Compromise of 1850, was harder to evade and easier to enforce. The part of the law which caused the most furious reaction in the free states was the provision that anyone who helped an escaping slave or interfered in any way in his capture was liable to criminal prosecution.

Some of the following documents refer to the people you read about in the previous section. Some of them introduce new people. Can you find any reasons which help explain the attacks upon the people you have been reading about?

1. This selection is part of a report delivered May 7, 1844, to the American Anti-Slavery Society and signed by William Lloyd Garrison, Wendall Phillips, and Maria Weston Chapman.[1]

> At the Tenth Anniversary of the American Anti-Slavery Society, held in the city of New-York, May 7, 1844,--after grave deliberations, and a long and earnest discussion,--it was decided by a vote of nearly three to one of the members present, that fidelity to the cause of human freedom, hatred of oppression, sympathy for those who are held in chains and slavery in this republic, and allegiance to God, require that the existing national compact should be instantly dissolved; that secession from the government is a religious and political duty; that the motto inscribed on the banner of Freedom should be, NO UNION WITH SLAVEHOLDERS. . . .
>
> It is declared by the American people to be a self-evident truth, "that all men are created equal; that they are endowed BY THEIR CREATOR with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness. . . ."
>
> It is not necessary, therefore, for us to prove that a state of slavery is incompatible with the dictates of reason and humanity; or that it is lawful to throw off a government which is at war with the sacred rights of mankind. . . .
>
> Three millions of the American people are crushed under the American union! They are held as slaves--trafficked as merchandise--registered as goods and chattels! The government gives them no protection--the government is their enemy. . . . The union which grinds

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[1] The Constitution A Pro-Slavery Compact (The American Anti-Slavery Society, New York, 1844), 93-111.

> them to dust rests upon us, and with them we will struggle to overthrow it! The Constitution, which subjects them to hopeless bondage, is one that we cannot swear to support! Our motto is, "NO UNION WITH SLAVEHOLDERS," either religious or political. . . .
>
> Up, then, with the banner of revolution! Not to shed blood--not to injure the person or estate of any oppressor--not by force and arms to resist any law... . . No, ours must be a bloodless strife, excepting our blood be shed--for we aim, as did Christ our leader, not to destroy men's lives, but to save them,--to overcome evil with good--to conquer through suffering for righteousness' sake--to set the captive free by the potency of truth!
>
> Secede then from the government. Submit to its exactions, but pay no allegiance, and give it no voluntary aid. Fill no offices under it. Send no senators or representatives to the national or State legislature; for what you cannot conscientiously perform yourself, you cannot ask another to perform as your agent. Circulate a declaration or DISUNION FROM SLAVEHOLDERS, throughout your country. Hold mass meetings--assemble in conventions--nail your banners to the mast! . . .
>
> We believe that the effect of this movement will be . . . to create discussion and agitation throughout the North; and . . . will lead to a general perception of its grandeur and importance. . . .
>
> We reverently believe that in withdrawing from the American Union we have the God of justice with us.

2. Lydia Maria Child, raised in the South and a member of a slaveholding family, wrote the following in a book published in 1833:[2]

> As for the possibility of social intercourse between the different colored races, I have not the slightest objection to it, provided they were equally virtuous, and equally intelligent; but I do not wish to war with the prejudices of others; I am willing that all, who consult their consciences, should keep them as long as ever they can. One thing is certain, the blacks will never come into your houses, unless you ask them; and you need not ask them unless you choose. They are very far from being intrusive in this respect.
>
> With regard to marrying your daughters, I believe the feeling in opposition to such unions is quite as strong among the colored class, as it is among the white people. While the prejudice exists, such instances must be exceedingly rare, because the consequence is degradation in society. Believe me, you may safely trust to any thing that depends on the pride and selfishness of unregenerated human nature. . . .

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[2] Lydia Maria Child, An Appeal in Favor of That Class of Americans Called Africans (Allen and Tickner, Boston, 1833), 139-140.

Shall we keep this class of people in everlasting degradation, for fear one of their descendants may marry our great-great-great-great-grandchild?

3. The "Liberator" was a vociferous advocate of abolitionism. In an editorial in its first issue dated Jan. 1, 1831, William Lloyd Garrison, the editor, uncompromisingly stated his position.[3]

> I am aware that many object to the severity of my language; but is there not cause for severity? I will be as harsh as truth, and as uncompromising as justice. On this subject I do not wish to think, or speak, or write with moderation. No! No! Tell a man whose house is on fire to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate her babe from the fire into which it has fallen;--but urge me not to use moderation in a cause like the present. I am in earnest--I will not equivocate--I will not excuse--I will not retreat a single inch--AND I WILL BE HEARD. The apathy of the people is enough to make every statue leap from its pedestal, and hasten the resurrection of the dead.

4. Garrison translated his editorial pronouncements into dramatic action as is shown in this description of an outdoor meeting of the Massachusetts Anti-Slavery Society, July 4, 1854.[4]

> Producing a copy of the Fugitive Slave Law he set fire to it, and it burnt to ashes. Using an old and well-known phrase, he said, "And let all the people say, Amen"; and a unanimous cheer and shout of "Amen" burst from the vast audience. In like manner Mr. Garrison burned the decision of Edward G. Loring in the case of Anthony Burns, and the late charge of Judge Benjamin R. Curtis to the United States Grand Jury in reference to the "treasonable" assault on the Court House for the rescue of the fugitive--the multitude ratifying the fiery immolation with shouts of applause. Then, holding up the U. S. Constitution, he branded it as the source and parent of all the other atrocities,--"a covenant with death and an agreement with hell,"--and consumed it to ashes on the spot, exclaiming, "So perish all compromises with tyranny! And let all the people say Amen!" A tremendous shout of "Amen!" went up to heaven in ratification of the deed, mingled with a

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[3] Wendell Phillips and Francis Jackson Garrison, William Lloyd Garrison (Houghton Miflin & Company, Boston and New York, 1894), I, 24.

[4] Ibid., III, 412.

few hisses and wrathful exclamations from some who were evidently in a rowdyish state of mind, but who were at once cowed by the popular feeling.

5. The passions raised by the Fugitive Slave Law are reflected in this excerpt from a pamphlet written by Lewis Tappan almost immediately after the passage of the law.[5]

> The most infamous feature of the bill is, that it compels every citizen of the free States to be a "slave-catcher." It appoints commissioners for the purpose, expressly authorizing them "TO CALL TO THEIR AID THE BY-STANDERS, or posse comitatus, of the proper county"--in the matter of seizing, and holding, and dragging back to chattelhood, fleeing slaves, if they be found at the North. . . . The militia, if the slave-catcher requires it, may be called on, to hunt men and women and children, as wild beasts, and to restore them to slavery. And the 5th section has in it this remarkable paragraph--
>
> > ALL GOOD CITIZENS ARE HEREBY COMMANDED to aid and assist in the prompt and efficient execution of this law, whenever their services may be required.
>
> We ask every citizen of New-York, if he does not feel all about his heart and conscience, that a law like that has no claim upon him and that it is absolutely void? . . .
>
> It constitutes at the North, in our neighborhoods, and by our firesides, the most anomalous, overshadowing, insulting, and despotic police that perverted mind can contrive, or guilty power sustain--a police which guilty power cannot sustain, until honor, and purity, and freedom have fled from among us, and we have consented to be the most drivelling, and base, and worthless slaves that ever crawled at the foot of Tyranny. . . . This law leaves the freeman at the North no alternative. HE MUST DISOBEY THE LAW.
>
> Let the following pledge be signed by men and women in every town in the free States, in regard to this matter:
>
> PLEDGE.
>
> > WHEREAS THE LATE ACT OF CONGRESS MAKES A REFUSAL TO AID IN THE CAPTURE OF A FUGITIVE A PENAL OFFENCE, THE SUBSCRIBERS BEING RESTRAINED BY CONSCIENTIOUS MOTIVES FROM RENDERING ANY ACTIVE OBEDIENCE TO THE LAW, DO SOLEMNLY PLEDGE OURSELVES TO EACH OTHER, RATHER TO SUBMIT TO ITS PENALTIES, THAN TO OBEY ITS PROVISIONS.

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[5] The Fugitive Slave Bill: Its History and Unconstitutionality (The American And Foreign Anti-Slavery Society, New York, 1850), 20-21.

> This pledge should be printed, and circulated over the land, and can be returned by the 1st of December, to Lewis Tappan, 61 John Street, New-York city, for the purpose of publishing the names . . . and we advise that it be printed on handbills, and posted up in every dwelling-house, store, shop, manufactory, and other place of resort that all may read it, and have their attention drawn to the PLEDGE. . . .

6. In 1876 Levi Coffin wrote of his experiences on the "under-ground railroad." Here are two excerpts from that book.[6]

> Louis Talbert was an intelligent colored man, who belonged to a slaveholder living in Kentucky. . . . Louis was not content with being a chattel that could be bought and sold, but kept planning how he might gain his freedom. For several years he had quietly and shrewdly been gaining all the information he could in regard to that land of liberty he had heard of so often, and at last concluded to make the attempt to reach it. He ventured to divulge his secret to several of his trusty friends . . . and twelve of them agreed to join him in the attempt to gain freedom. . . . On the appointed night the party made their way to a point on the river bank, selected by Louis. Having some suitable tools with them, they soon prepared two logs and pinned them together. When the little raft was launched upon the water, it was found that only two persons could ride on it at a time. Their expectations of all getting across that night were disappointed, for it was late when they reached the river, and only six had been transported to the Indiana shore when daylight warned the party to seek concealment. They hid in the thickets, on each side of the river, during the day, and when night came the remaining six were safely ferried across. But the delay operated against them, and came near proving fatal to their hopes. . . . A large company started to hunt for the runaways, and crossed the river at various points . . . to intercept them in their flight. The second night, when all the fugitives were safely over the river, they started on their way northward through Indiana. . . . In the counties of Indiana bordering the Ohio River, fugitive slaves were in as much danger of being captured as on the other side of the river, for there were many persons on the look-out for them who hoped to get the rewards offered by the slaveholders in such cases. . . . The fugitives were closely pursued by a large party of armed men, the party from Kentucky having been joined by a number of ruffians in the neighborhood, who were as eager in the chase as they would have been in a fox or a deer hunt. Louis and his companions ran in different directions and endeavored to hide in the woods and corn-fields, but most of the party were captured, only Louis an d three others succeeding in making their escape. After traveling

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[6] Levi Coffin, Reminiscences of Levi Coffin: The Reputed Head of the Underground Railroad (Robert Clarke & Co., Cincinnati, 1880), 206-209, 190-194.

several nights, during which time they suffered much from hunger and exposure, they reached my house, We received and cared for them, and they remained with us several days, resting from their fatiguing and anxious journey. They were then put on the old reliable road leading to Canada and reached that country in safety.

A few weeks after the Kentucky slave-hunters had left Richmond, I was summoned, with several of my neighbors, to appear before the grand jury at Centerville, the county seat, where court was then in session. I at once guessed the cause of the summons . . . that I was to be indicted for harboring fugitive slaves, while my neighbors were summoned as witnesses. Though almost sure that this was the case, I felt no alarm. I thought that if the grand jury should find a bill against me, and I should be compelled to stand a trial in court, and be convicted of a violation of the fugitive slave law, and have to suffer the penalty, it might be the means of advancing the anti-slavery cause, and of raising up other friends for the slave. . . . When I entered the courtroom I discovered that I was personally acquainted with a majority of the jurors, and knew some of them to be strongly anti-slavery in their sentiments. Bloomfield, of Centerville, was foreman of the jury. He asked me whether I knew of any violations of the law in our neighborhood within a certain time, any cases of assault and battery, or other outbreaks. I told him that I knew of nothing of the kind, adding that we were nearly all abolitionists, and were a peaceable people. The foreman then turned to L____ B_______, and said: "Mr. B______, I believe it is you who are interested in the negro question. If you wish to ask Mr. Coffin any questions, you can proceed."

L_______ B_______ then asked me if I understood the statute in regard to harboring fugitive slaves. I told him that I had read it, but did not know whether I understood it or not. I suggested that he turn to it and read it, which he did. I told him that I knew of no violation of that statute in our neighborhood. Persons often travelled our way and stopped at our house who said they were slaves, but I knew nothing about it from their statements, for our law did not presume that such people could tell the truth. This made a laugh among the jury, with the exception of L______ B______. I went on to say that a few weeks before a company of seventeen fugitives had stopped at my house, hungry and destitute, two of them suffering from wounds inflicted by pursuers who claimed them as slaves; nothing but their own statements, and the law of our State did not admit colored evidence. I had read in the Bible when I was a boy that it was right to feed the hungry and clothe the naked, and to minister to those who had fallen among thieves and were wounded, but that no distinction in regard to color was mentioned in the good Book, so in accordance with its teachings I had received these fugitives and cared for them. . . . He evidently wished to change the subject.

The other witnesses were called in and questioned, but their testimony all amounted to the same thing, showing that the fugitives had been sheltered at my house for several days. . . . Notwithstanding

> B_____'s attempt to implicate me, the jury found no bill against me. Anti-slavery sentiment had largely increased in our county, and this effort of B_____'s . . . had a tendency to kill him politically.

7. In a sermon preached in the Hollis-Street Church, November 6, 1842 The Reverend John Pierpont presented the theological implications of the Fugitive Slave Law.[7]

> . . . /H/owever it may appear to the moral vision of other men, to mine, the morality that requires and compels me to deliver up a fellow man to chains and torture--to hopeless slavery, if not to death, because others have covenanted for me that I shall do so, and because of my own oath that I will keep the covenant;--is, essentially the morality of a Judas, who would deliver up the Son of Man to be scouraged and crucified, because he had *covenanted to do so*. . . .
>
> I am aware that this is not popular doctrine. I know that the current of public sentiment, in the great thoroughfares of business, and along the channels of commerce, sets strongly against it. I know that in the eyes of the many--yea, and of the mighty--the Constitution of these United States is Supreme;--that it over-rides God's laws, and that *it* must stand, though *they* be trodden under foot. But it is the object of this discourse to lift up God's law, to make it honorable in my hearer's eyes, and to make even the highest of human ordinances to do it homage. Though State may league with State, and millions covenant with millions more, to sustain a wrong, they cannot hold it up. Though hand join in hand, the wicked shall not go unpunished. . . .
>
> I would not, indeed, reproach the noble band of patriots, who framed the Constitution of the United States. I would not willingly believe that they deserve the reproach that is cast upon them by those who hold, that, into the great charter of our country's freedom themselves and their posterity . . . yet even then, that charter shall have no binding force upon my soul. If by both the letter and the spirit of that covenant, they meant to bind me to do the slaveholder's work, and minister to his sin, I cannot forget the word of the Lord, which he spake by his servant Moses: 'Thou shalt *not* deliver unto his master the servant which is escaped from his master unto thee' . . . and I shall regard their covenant, in that particular, as utterly null and void.

8. There were many accounts of the circumstances surrounding the death of Elijah P. Lovejoy. This one was included in a book written by Harriet Martineau and published in 1839, entitled *The Martyr Age of*

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[7] John Pierpont, *Discourse on the Covenant with Judas* (Charles C. Little and James Brown, Boston, 1842), 32-33.

the United States.[8]

Elijah P. Lovejoy was a native of Maine, a graduate of Waterville College. He settled at St. Louis, Missouri, and attained a high reputation as editor of a newspaper there. He became a clergyman, and . . . [after seeing the burning of the slave M'Intosh] at length, an abolitionist. . . . [H]e spoke out in his newspaper about the atrocity of the deed, and exposed the iniquities of the district judge, and of the mob which overawed Marion College and brought two of the students before a Lynch Court. For this, his press and types were destroyed, and he established himself on the opposite side of the river, in the free state of Illinois. But the town of Alton, in which he set up his press, was as dangerous to him as if it had stood in a slave State. It was the resort of slave-traders and river traders, who believed their interests to depend on the preservation of slavery. . . . [H]e did his duty, and his press was again destroyed by a mob. Twice more was his property annihilated in the same manner, without the slightest alteration of conduct on his part. His paper continued to be the steady, dispassionate advocate of freedom and reprover of violence. . . .

[H]e was called before a large meeting of the townsmen on a singular affair. A committee of gentlemen was appointed to mediate between the editor of the "Alton Observer" and the mob. They drew up a set of "Compromise Resolutions," so called, which yielded everything to the mob, and required Lovejoy to leave the place. . . . He listened till the chairman had said what he had to say, and then stepped forward to the bar. There, with grisly Murder peeping over his shoulder, he bore his last verbal testimony in the following unpremeditated address, reported by a person present.

> ". . . Mr. Chairman, I do not admit that it is the business of this assembly to decide whether I shall or shall not publish a newspaper in this city. . . . What I wish to know of you is whether you will protect me in the exercise of this right, or whether, as heretofore, I am to be subjected to personal indignity and outrage. . . . [I]f by compromise is meant, that I should cease doing that which duty requires of me, I cannot make it. And the reason is that I fear God more than I fear men. Think not that I would lightly go contrary to public sentiment around me. The good opinion of my fellow men is dear to me, and I would sacrifice anything but principle to obtain their good wishes, but when they ask me to surrender this, they ask for more that I can--than I dare give. . . .
>
> "If in anything I have offended against the law, am I so popular in this community as that it would be difficult to convict me? You have courts and judges and juries; they find

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[8] Harriet Martineau, *The Martyr Age*, 58-66.

> nothing against me, and now you have come together for the purpose of driving out a confessedly innocent man, for no cause but that he dares to think and speak as his conscience and his God dictate. Will conduct like this stand the scrutiny of your country, of posterity, above all, of the judgment day? . . .
>
> "Sir, you cannot disgrace me. Scandal, falsehood and calumny have done their worst. My shoulders have borne the burden till it sits easy upon them. You may hang me up as the mob hung up the individuals at Vicksbury; you may burn me at the stake as they did M'Intosh at St. Louis; you may tar and feather me, or throw me into the Mississippi as you have often threatened to do. I, and I alone, can disgrace myself; and the deepest of all disgrace would be at a time like this, to deny my Master by forsaking his (sic) cause. . . ."

A few days after this he was murdered. His office was surrounded by an armed mob, and defended from within by a guard furnished by the Mayor of Alton. When the attack was supposed to be over, Lovejoy looked out to reconnoitre. He received five bullets in his body, was able to reach a room on the first floor, declared himself fatally wounded, and fell on his face dead. His age was thirty-two. . . .

Alton is anxious for the trade of Missouri and the lower Mississippi, and is willing to sacrifice a few Abolitionists to conciliate its slave-holding customers. . . .

9. Benjamin Lundy, a fervent abolitionist, left his family to travel throughout the United States and Canada seeking havens for escaped slaves. When his wife died, he placed his children with friends and committed himself even more diligently to his task. He died in 1839.[9]

> /The development in Baltimore of Lundy's anti-slavery newspaper, The Genius of Universal Emancipation, as an effective instrument of criticism of the slave trade is discussed. His criticism of and sarcastic references to one particular slave trader and the consequent assault on Lundy are specifically mentioned./

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[9] A Memorial to Benjamin Lundy, Pioneer Quaker Abolitionist, 1789-1839. Compiled by the Lundy Memorial Committee of The John Swaney School Alumni and Society of Friends on the Occasion of the Centennial of His Death. 1939.

10. The Reverend Ichabod S. Spencer reported as follows to his congregation shortly after the enactment of the Fugitive Slave Law of 1850:[10]

> The New York Evangelical Congregational Association recently passed the following Resolution in respect to the "Fugitive Slave Law,"--a Law regularly enacted by the Congress of the United States:
>
> > "Resolved, That we cannot recognize this Law, as of any binding force upon the citizens of our country."
>
> A _religious_ paper, edited by Congregational clergymen, holding respectable stations, Pastors of churches,--a paper professedly devoted to the cause of Christ,--holds the following language in an _Editorial_ article, under the caption "How to Oppose the Fugitive Slave Law":--
>
> > "To the fugitives themselves . . . this Law is no Law . . . and to resist it even unto death, is their right, and it may be their duty. . . . To each _individual_ fugitive, to every man or woman, who having escaped from bondage and tasted liberty, is in hourly peril of being seized and dragged back to slavery, we say--Be fully prepared for your own defense. If to you death seems better than slavery, then refuse not to die--whether on the wayside, at your own threshhold, or even as a felon upon the gallows. Defend your liberty and the liberty of your wife and children, as you would defend your life and theirs against the assassin."

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[10] Ichabod S. Spencer, D.D., _The Religious Duty of Obedience to Law_ (M. W. Dodd, New York, 1850), 23-24.

SECTION III

REACTIONS TO VIOLENCE

This section presents documents which discuss the violence about which you have been reading earlier in the unit. Some of the names and places will be familiar to you by now. The new element is in the ideas.

1. James Birney was a southerner who freed his slaves, moved to the north, and eventually became an abolitionist. He was the editor of an anti-slavery newspaper, "The Philanthropist." Here is part of a letter sent to Birney by William Ellery Channing, a well-known and respected Unitarian theologian.[1]

Boston, Nov., 1, 1836.

My Dear Sir--

. . . The first accounts which reached me of the violence which drove you from Cincinnati, inclined me to write to you. . . . The subject weighs much on my mind. I feel that I have a duty to perform in relation to it and I cannot rest till I yield to this conviction. . . . I think it best, however, not to confine myself to the outrage at Cincinnati, but to extend my remarks to the spirit of violence and persecution which has broken out against the abolitionists through the whole country. . . .

It is not my purpose to speak of the abolitionists as abolitionists. They now stand before the world in another character. . . . I have (earlier) expressed my fervent attachment to the great end to which they are pledged, and at the same time my disapprobation, to a certain extent, of their spirit and measures. . . . Had the abolitionists been left to pursue their object with the freedom which is guaranteed to them. . . I should have no inducement to speak of them again either in praise of censure. But the violence of their adversaries has driven them to a new position. Abolitionism forms an era in our history, if we consider the means by which it has been opposed. Deliberate, systematic efforts have been made, not here or there, but far and wide, to wrest from its adherents that liberty of speech and the press, which our fathers asserted unto blood, and which our national and state governments are pledged to protect as our most sacred right. Its most conspicuous advocates have been hunted and stoned, its meetings scattered, its presses broken up, and nothing but the patience, constancy and intrepidity of its members has saved it from extinction. The abolitionists then not only appear in the character of champions of the colored race. In their persons the most sacred rights of the white man and the free man have been assailed. They are sufferers for the liberty of thought, speech, and the press; and in maintaining this liberty amidst insult and violence, they deserve a place among its most honored defenders.

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[1] William Ellery Channing, The Works of William E. Channing, D.D. (American Unitarian Association, Boston, 1875), 743-49.

In regard to the methods adopted by the abolitionists of promoting emancipation, I might find much to censure; but when I regard their firm, fearless assertion of the rights of free discussion, of speech and the press, I look on them with unmixed respect. . . . No violence has driven them from post. Whilst, in obedience to conscience, they have refrained from opposing force to force, they have still persevered, amidst menace and insult, in bearing their testimony against wrong, in giving utterance to their deep convictions. . . . The defenders of freedom are not those who claim and exercise rights which no one assails. . . . They are those who stand up for rights which mobs, conspiracies, or single tyrants put in jeopardy. . . .

The greatest truths are often the most unpopular and exasperating; and were they to be denied discussion till the many should be ready to accept them, they would never establish themselves in the general mind. The progress of society depends on nothing more than on the exposure of time-sanctioned abuses, which cannot be touched without offending multitudes, than on the promulgation of principles which are in advance of public sentiment and practice, and which are consequently at war with the habits, prejudices, and immediate interests of large classes of the community. . . .

I am aware that the outrages on the abolitionists are justified or palliated by various considerations. . . . It is said that abolitionism tends to stir up insurrection at the South, and to dissolve the Union. . . . So infinite are the connections and consequences of human affairs, that nothing can be done in which some dangerous tendency may not be detected. There is a tendency in arguments against any old establishment to unsettle all institutions, because all hang together. There is a tendency in the laying bare of deep-rooted abuses to throw a community into a storm. . . .

In these remarks you learn my abhorrence of the violence offered to the abolitionists. . . . Allow me now to express my earnest desire and hope that the abolitionists will maintain the liberty of speech and the press, not only by asserting it firmly, but by using it wisely, deliberately, generously, and under the control of the severest moral

> principle. It is my earnest desire that they will exercise it in the spirit of Christians . . . without passion or bitterness and without that fanaticism which cannot discern the true proportions of things, which exaggerates or distorts whatever favors or conflicts with its end. . . . Liberty suffers from nothing more than from licentiousness, and I fear that abolitionists are not to be absolved from this abuse of it. It seems to me that they are particularly open to one reproach. Their writings have been blemished by a spirit of intolerance, sweeping censure, and rash, injurious judgement. . . . /A/bolitionism has spoken in an intolerant tone, and in this way has repelled many good minds, given great advantage to its opponents, and diminished the energy and effect of its appeals. I should rejoice to see it purified of this stain. . . .

2. In Section I you read a description of the violence which occurred at the annual meeting of the Boston Female Anti-Slavery Society on October 21, 1835. Here are some excerpts from newspaper commentaries which appeared in the days immediately following the attack upon the meeting and the seizure of Garrison.[2]

From the Commercial Gazette, Oct. 22.

> The Female Anti-Slavery Society, in mere bravado . . . attempted to hold another meeting. . . . Before 3 o'clock, a multitude of people began to assemble in Washington Street, in front of the Liberator office, and in the course of half an hour there were as many as two or three thousand citizens peaceably congregated (sic). Shortly after, the Mayor of the city . . . made his appearance . . . calling upon them to disperse. --This however, had but little effect; on the contrary, the crowd continued to increase, till the street was completely blocked up. In the meantime, the cry arose of 'down with the sign'--and in a very short period the sign containing the simple words of 'Anti Slavery Society' was quietly (sic) taken down, and torn into a thousand pieces by the enraged multitude. It will not do for them to brow beat public opinion in this way, "it cannot, nor it will not come to good." This community will no longer tolerate their rascally conduct.

From the Atlas, Oct. 22.

> The abolitionists succeeded in producing another disturbance in our city yesterday. After the appearance of a succession of inflammatory articles in the Liberator, highly insulting to the feelings of a

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[2] Report of the Boston Female Anti-Slavery Society (Published by the Society, Boston, 1836).

great majority of our fellow citizens, attacking with a frantic maliciousness their character and motives, manifesting an insolent defiance of public opinion, and a determination to persist in braving it.

From the Daily Advertiser, Oct. 24.

> The assemblage of several thousand citizens in the streets of this city on Wednesday afternoon is designated, as we had reason to suppose it would be, in the papers abroad, as a riot in Boston. We regarded the assemblage not so much as a riot, as the prevention of a riot.

3. Here is part of a reply from James T. Austin to a pamphlet written by William Ellery Channing in which he discussed the role of the abolitionists. Dr. Channing's message in that pamphlet repeats the views aired in his letter to James Birney.[3]

> The conduct of the abolitionists is bad, and that of the mobs worse. . . . Still to a practical moralist the question returns, whether he, who does that which will excite a mob, is not in some degree guilty of its excesses.
>
> Suppose he only exercises his abstract right. If he knows before hand the probable consequences of his action, how much of the blame attaches to himself? Because he may strike a spark with his own flint and steel, shall he be permitted to do so over a cask of gun-powder?
>
> He . . . who advertises an abolition meeting, if he has reasonable ground to believe it will produce a disturbance of the public peace, has an account to settle with his conscience, should any disturbance follow.
>
> Upon the principles of established law I have some doubt in regard to the legality of meetings which are known before-hand to be the cause of a mob.
>
> It has long been law that a mountebank who collects a crowd in the streets in front of his place of exhibition, to the disturbance of the neighborhood, is a nuisance; and what is an abolition meeting, but a new kind of HARLEQUINADE, in which people are invited to see how the ocean might be bailed dry with a clam-shell?
>
> These mobs will cease when such spectacles cease . . .

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[3] James Trecothick Austin, Remarks on Dr. Channing's Slavery (Russell, Shattuck and Co., and John H. Eastburn, Boston, 1835), 46-48.

4. Here is another excerpt from the book, James G. Birney and His Times, written by Birney's son William.[4]

> . . . in the interest of historical truth, I wish to enter a protest against the customary conventional exaggerations of the Northern mobs in "abolition times." Having lived in Cincinnati eleven of the years between 1835 and 1848, and having seen every mob in that city and a good many in the other parts of Ohio, and heard the facts touching those in other States during that period, I must say they were, as a general thing, not dangerous either to life or limb, or beyond the power of the police to suppress. Meetings were assailed by missiles thrown by thoughtless boys, prompted secretly by their elders. The smashing of a few panes of glass in a church or town hall was not uncommon. It was a good practical joke to throw eggs into a congregation and run away to escape punishment. Speakers were rudely interrupted. But these minor forms of mobocratic annoyance were in a ratio probably of less than one to a hundred anti-slavery meetings. More serious ones, though much talked of, were very rare. . . . Not a man was hurt seriously in New England. . . . I remember no abolitionist but Lovejoy who lost his life. . . . The famous Utica mob of 1835 did no physical damage to anybody. Pennsylvania Hall was burned in 1838, and the houses of the Tappans were sacked in 1834; but these mobs were especially dangerous because they consisted chiefly of slave-holders and their hirelings, aided by the idle rabble always ready for any excitement which is without danger. . . . Though homocidal in intent, they in fact, made no martyrs.
>
> In several accepted accounts of the early struggle against the slave power, James G. Birney is represented as having suffered from mob-violence; this is not true. No man ever laid an unfriendly hand upon him during his public career. . . . The numerous rewards offered in the South for the abduction of leading abolitionists caused him no apprehension. He regarded them as attempts at intimidation made by weak men. . . . For a short time after . . . /the destruction of his paper the "Philanthropist" by a mob he exercised some caution in exposing himself at night; but this soon ceased. His temperament did not make him susceptible to panic terrors.

5. Illustrative of the rising concern over the problem of civil disobedience is the adoption of the following resolution by a meeting of

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[4] William Birney, James Birney, 250-252.

Massachusetts citizens on November 26, 1850:[5]

> Resolved, That every species and form of resistance to the execution of a regularly enacted law, except by peaceable appeal to the regular action of the judicial tribunals upon the question of its constitutionality . . . is mischievous, and subversive of the first principles of social order, and tends to anarchy and bloodshed.
>
> Resolved, That men, who, directly or indirectly, instigate or encourage those who are or may be the subjects of the law, deserve the reprehension of an indignant community, and the severest punishment which its laws have provided for their offence. . . .

6. An interesting insight into the abolitionists' reaction to violence at their meetings is suggested in this reminiscence by a contemporary observer.[6]

> The "timid good" might stand aloof from these meetings, but the mob was present, and there was sure to be a crowd, either of friends or foes, and always something worth hearing. There was often disorder and tumult, but the anti-slavery speakers on the platform were perfectly calm. Some of them seemed to be like the warhorse in the Book of Job, that "scented the battle from afar--the tumult and the shouting." These men delighted in the fury of this battle. I remember on one occasion there was an anti-slavery meeting where everything seemed to be quiet and peaceful, and the orators were listened to with much attention. Then Stephen Foster suddenly arose and said: "We are not doing our duty. If we were doing our duty this audience, instead of listening to us so quietly, would be throwing brickbats at us."
>
> . . . There was no such excitement to be had anywhere else as at these meetings. There was a little of everything going on in them. Sometimes crazy people would come in and insist on taking up the time; but amid all disturbance each meeting gave us an interesting and impressive hour. . . .

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[5] Proceedings of the Constitutional Meeting at Faneuil Hall (Beals and Greene, Boston, 1850), 6.

[6] James Freeman Clarke, Anti-Slavery Days (R. Worthinton, New York, 1884), 74-76.

SECTION IV

ARGUMENTS

By the time the Compromise of 1850 was passed and the new Fugitive Slave Law was the law of the land, both sides had had time to sharpen their knives. The lines weren't as clearly drawn on a sectional basis as they were to become during the Civil War, but the Anti-Slavery people were no longer an infinitesimal minority. As the Fugitive Slave Law went into practical operation, they were joined by others who were outraged by the denial of their humane urge to help a man escape the chains of bondage.

The controversy over slavery expanded. No longer was it limited to the evil of slavery. The question now included arguments over whether anything could, should, ought or must be done about slavery. The controversy spread in ever-widening circles until it engulfed the pulpits, the printing presses, the floors of Congress and the streets of the nation. Ministers read each other out of the pulpit with elaborate theological dissertations on the urgency of the issue. Congressmen engaged one another in vituperative exchanges, lawyers cited identical clauses of the Constitution to prove opposite points, and William Lloyd Garrison set fire to that document, shouting "No union with slave holders."

The question confronting the nation, to all practical purposes, no longer was "is slavery right or wrong?" The practical question became, "Even if it's wrong, what can we do about it?"

The defenders of the slave system answered that question with a resounding negative. They asserted that when the states ratified the Constitution, the states had created a federal government. That government, they said, was nothing more than an agreement or compact among themselves and they allowed it to exercise certain powers in behalf of their own best interests of the states. The powers given to the new central government were clearly expressed in the Constitution, they declared, and if that government should cease to act in the best interests of the states, the states could withdraw the power. They also pointed to the Fugitive Slave Clause and the apportionment clause[1] in the Constitution as proof that the original agreement included the recognition and continuation of slavery.

What to do about slavery in the land of the free and the home of the Fugitive Slave Clause? What to do when a young, inexperienced nation, experimenting with a federal system of representative government, had adopted as its legal foundation, a document tacitly legalizing slavery?

The opposing factions argued mightily over what to do. As you read this section, try to understand, not only what solutions were proposed, but even more important what further problems were imposed on the nation by action of the abolitionists.

1. Here is part of a sermon preached shortly after the passage of the Fugitive Slave Law of 1850. The Rev. Mr. Spear seeks to define

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[1] The Constitution of the United States, Art. I, Sec. 2 provided in effect that 3/5 of the slaves should be counted as a basis for determining the number of Representatives to which each State is entitled.

"the two classes of conscience.: Using what you have already read in this unit and what Spear says, see if you can determine what he means by "classes of conscience."[2]

No one who has listened attentively to the conversation of others, or watched the public press for some months past, can fail to have perceived the existence of at least two classes of consciences: the one, a LAW-ABIDING CONSCIENCE--the other, a HIGHER LAW CONSCIENCE; . . . each repudiating and violently denouncing the other. I respect both, without relishing the extravagance, and much less the passions of either . . .

Our present work will be to set before you the consciences--the law-abiding and the higher law conscience; each qualifying the other and both moving in their proper sphere. . . .

FIRST, THE LAW-ABIDING CONSCIENCE.

Civil law undertakes to prescribe and enforce some of the social duties of men. This is made necessary mainly by our depravity. Law is the creature of some organized government addressing its commands to the subject, and threatening its penalty in case of disobedience. It is not mere advice; it is clothed with authority, and is properly accompanied with the right of self-vindication in coercion and punishment. The supremacy of law consists in its maintenance--in the due and faithful administration of its principles by its authorized agents, and in its power to control and govern the practice of the subject. . . . This supremacy is the grand doctrine asserted by the law-abiding conscience. This conscience sets . . . forth a moral rule . . . that obedience to civil law is a religious duty. . . . If every law . . . is to be resisted and put down by popular violence--if every effort to execute the law is to be treated in the same way--if this is the state of things in the community, then there is no government of law in that community; society is in a state of chaos. Hence, if men wish to live under law, they must support the supremacy of law. . . .

Our government, both State and Federal, is based on the representative principle. We have no law-makers . . . that are born such. We make them after they are born, not as kings, but men. The powers they possess the people bestow in a legal way; and if they do not faithfully perform their duty so as correctly to represent the public will, there is always at hand a peaceful and law-abiding remedy. We can discuss and even denounce a law in this country. . . . We can peaceably meet in large or small assemblies, and by resolutions can express an opinion.

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[2] Samuel T. Spear, The Law-Abiding Conscience and the Higher Law Conscience (Lambert & Lane, New York, 1850), 6-20.

We can petition Government for a redress of grievances. Through the ballot box the people have a perfect control over the laws under which they live. No law can stand any length of time that is opposed to the public will. . . . If by popular tumult you may repudiate law on one subject, you may on another. The principle is full of dangers, especially so in a Republic. It unsettles the very foundations of civil society. . . .

SECONDLY, THE HIGHER LAW CONSCIENCE

The cardinal propositions affirmed by this conscience, are these: --First, that there is a God; Secondly, that this God is the moral governor of the universe; Thirdly, that every rational creature is directly a subject of his government; Fourthly, that God's will, when ascertained, is in all possible circumstances the supreme rule of duty; and, finally, that every moral creature is by himself and for himself bound to know the Divine will, and, when knowing it, never to deviate from it. . . .

There may be a conflict between the requirements of the civil authorities and those of God. He is not so identified with them, neither does he so guide their action, as to make the result impossible. The event has often occurred; that is, man has commanded one thing, and God, the opposite, making obedience to both a natural impossibility. . . . While it is true that there is no higher law than the law of God, which requires obedience to civil government, it is equally true that this is not the whole of God's law. . . .

There are two distinct applications of the great principles set forth by the Higher Law Conscience:

1. The first refers to the powers that be. . . . Are there any rules of morality for governments, for nations . . . or do they create their own morality at option? Are law agents responsible to God for what they do and equally with the citizen subject bound by the principles of Higher Law? We hold that they are. . . . God holds all men responsible to his rule of right, whether they are associated as a nation or exist in the state of nature, whether they are citizens and subjects, or are trusted with the duties and powers of the civil magistracy. They can not innocently act in conflict with the Higher Law.

Suppose, again, government to be established, and that the execution of its will has passed into the hands of the duly authorized agents of law, what are they to do? I answer; execute that will as it lies on the statute-book, or in the fundamental law of the land. Suppose, however, that the laws themselves, one or more, are so morally vicious, that the agents can not execute them without sinning against the Higher Law; what then? I answer, this being their view, they must either fulfill the oath of office, or vacate.

2. Let us now look at the application of the Higher Law to the citizen-subject. . . . /C/onflict may come up in the following practical shape:

> Here are three parties. God is one; the subject is the second; and the civil authorities, the third. Between the first and the third there is a conflict, the last forbidding what the first requires, or requiring what the first forbids. . . . Now what shall the subject do . . . I answer: first, he must be clear that the supposed case is a real one--a point in regard to which so far as he himself is concerned, he is the sole judge. . . . /I/f in his view the conflict be real, then he must obey God rather than men, and as a martyr meekly suffer the consequences. I do not see how there can be any question as to the correctness of this answer. God's law is certainly higher than man's . . . Obedience to God even though it conflicts with the laws of men, is as distinctly a doctrine of the Bible as any other found in that book.
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> But . . . what shall the civil authorities do, when the subject disobeys the law of the land on the ground of the Higher Law? I answer: inflict upon him its penalty. They have no other course. They can never assume . . . that there is any conflict between the law of the land and the law of God. They can never make his conscience the rule of penal retribution at the hands of government. They must always assume that the law is right, and that he is wrong, and is therefore to be treated as a criminal. . . . Government . . . can never surrender its ideas of what is right, and yet possess authority. This would be a confession of judgement against itself and disarm it of all its power. It would leave every man to decide for himself not simply the question of his personal duty, but also in what cases law should punish him; that is, his conscience would be the law of the land. . . . Now civil society can never do this. . . . It would be tantamount to the destruction of all law. The subject violates the law for the sake of obeying God, knowing that when he does so government will deem him mistaken and punish him accordingly. He makes his choice between the precept and the penalty; and chooses the latter--that is, he chooses suffering in his view for righteousness sake.

2. In Boston in 1854, the Rev. Theodore Parker preached fervently on the subject of abolition. The following is an excerpt from a sermon by the Reverend Theodore Parker, a famous Boston preacher and abolitionist.[3]

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[3] Theodore Parker, "The Law of God and the Statutes of Men," Discourses on Slavery (Trubner & Co., London, 1863), 225-242.

Now see the relation of the individual to the statutes of men. There is a natural duty to obey every statute which is just. It is so before the thing becomes a statute. The legislator makes a decree; it is a declaration that certain things must be done, or certain other things not done. If the things commanded are just, the statute does not make them just; does not make them any more morally obligatory than they were before. The legislator may make it very uncomfortable for me to disobey his command when that is wicked; he cannot make it right for me to keep it when wicked. All the moral obligation depends on the justice of the statute, not on its legality; not on its constitutionality; but on the fact that it is a part of the natural law of God, the natural mode of operation of man. The statute no more makes it a moral duty to love men and not hate them, than the multiplication table makes twice two four: the multiplication table declares this; it does not make it. If a statute announces, "Thou shalt hate thy neighbor, not love him," it does not change the natural moral duty, more than the multiplication table would alter the fact if it should declare that twice two is three. . . .

Now, then, as it is a moral duty to obey a just statute because it is just, so it is a moral duty to disobey any statute which is unjust. If the statute squares with the law of God, if the constitution of Morocco corresponds with the constitution of the universe, which God writ in my heart--then I am to keep the constitution of Morocco; if not, disobey it, as a matter of conscience.

Here in disobedience, there are two degrees. First, there is passive disobedience, non-obedience, the doing nothing for the statute; and second, there is active disobedience, which is resistance, the doing something, not for the statute, but something against it. Sometimes the moral duty is accomplished by the passive disobedience, doing nothing; sometimes, to accomplish the moral duty, it is requisite to resist, to do something against the statute. However, we are to resist wrong by right, not wrong by wrong.

There are many statutes which relate mainly to matters of convenience. They are rules of public conduct indeed, but only rules of prudence, not of morals. Such are the statutes declaring that a man shall not vote till twenty-one; that he shall drive his team on the right-hand side of the street; that he may take six per cent, per annum as interest and not sixty. . . . It is necessary that there should be such rules of prudence as these; and while they do not offend the conscience every good man will respect them; it is not immoral to keep them.

The intellectual value of the creed [of law] is, that while it embodies truth it also represents the free thought of the believer who has been voluntarily helped thitherward by some person who knows better than he. In that case his creed is the monument of the man's progress, and is the basis for future progress. It is to him, in that stage of his growth, the right rule of intellectual conduct. But when the creed is forced on the man, and he pretends to believe and believes not, or only tacitly assents, not having thought enough to deny it,--then it debases and enslaves the man.

So the moral value of a statute is, that while it embodies justice it also represents the free conscience of the nation. Then also it is a monument of the nation's moral progress, showing how far it has got on. It is likewise a basis for future progress, being a right rule for moral conduct. But when the statute only embodies injustice, and so violates the conscience, and is forced on men by bayonets, then its moral value is all gone; it is against the conscience. . . .

. . . When a wicked statute is made by the hindmost men in morals, men far in the rear of the average of the people, and urging them in the wrong direction; when the statute offends the conscience of the people, and the rulers undertake by violence to enforce the statute, then it can be only mean men who will desire its execution, and they must appeal to the lowest motives which animate mean men, and will thus debase the people further and further.

. . . I know very well it is commonly taught that it is the moral duty of the officers of government to execute every statute, and of the people to submit thereto, no matter how wicked the statute may be. This is the doctrine of the Supreme Court of the United States of America, of the executive of the United States; I know very well it is the doctrine of the majority of the legislature in both houses of Congress. . . .

. . . Then comes the doctrine:--While the statute is on the books it must be enforced; it is not only the right of the legislator to make any constitutional statute he pleases, but it is the moral and religious duty of the people to obey. . . . It is a most dreadful doctrine; utterly false! Has a legislator . . . any right to repudiate God, and declare himself not amenable to the moral law of the universe? You all answer, No! Have ten millions of men out of nineteen millions in America a right to do this? Has any man a moral right to repudiate justice and declare himself not amenable to conscience and to God? Where did he get the right to invade the conscience of mankind? Is it because he is legislator, magistrate, governor, president, king? a right to do wrong! . . .

Human law in general is a useful and indispensable instrument; but because a special statute has been made for injustice, is it to be used for injustice? . . . The notion that every statute must be enforced is false. Who enforces the Sunday Law in Massachusetts? Every daily newspaper you will read tomorrow morning violates the statutes of Massachusetts today. It would not be possible to enforce them. Of all the sixty millions of bank capital in Massachusetts, within twelve months, every dollar has violated the statute against usury. Nobody enforces these acts. Half the statutes of New England

> are but sleeping lions to wait for the call of the people; nobody wakes them up every day. Some have been so long fast asleep that they are dead. . . .
>
> When the nation is willing to accept a statute which violates the nation's conscience, the nation is rotten. If a statute is right, I will ask now can I best obey it. When it is wrong, I will ask how I can best disobey *it*,--most safely, most effectually, with the least violence. . . . [W]hen we make the State the master of our conscience, then it is all over with us.

3. The following is a pronouncement by the Executive Committee of the American Anti-Slavery Society on the occasion of the Society's tenth anniversary, in 1844.[4]

> We charge upon the American Constitution, that it contains provisions, and enjoins duties, which make it unlawful for freemen to take the oath of allegiance to it, because they are expressly designed to favor a slaveholding oligarchy. . . .
>
> We charge upon the existing national government, that it is an insupportable despotism, wielded by a power which is superior to all legal and constitutional restraints--equally indisposed and unable to protect the lives or liberties of the people. . . .
>
> The American Constitution is the exponent of the national compact. We affirm that it is an instrument which no man can innocently bind himself to support, because its anti-republican and anti-christian requirements are explicit, that in regard to all the clauses pertaining to slavery, they have been uniformly understood and enforced in the same way by all the courts and by all the people. . . . [I]f it be said that those clauses are null and void--we reply . . . that they are portions of an instrument, the support of which, as A WHOLE, is required by oath or affirmation; and therefore, *because they are immoral* and BECAUSE OF THIS OBLIGATION TO ENFORCE MORALITY, no one can innocently swear to support the Constitution.
>
> Again, if it be objected, that the Constitution was formed by the people of the United States, in order to establish justice, to promote, the general welfare, and secure the blessings of liberty to themselves and their posterity; and therefore, it is to be construed as to harmonize with these objects; we reply, again, that its language is *not* to be interpreted in a sense which neither of the contracting parties understood, and which would frustrate every design of their alliance--to wit, union at the expense of the colored population of the country. Moreover, . . . the preamble . . . never included, in the minds of those who framed it, *those who were then in bondage*,--for, in that case, a general emancipation of the slaves would have instantly been proclaimed throughout the United States.

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[4] *The Constitution, A Pro-Slavery Compact*, 94-104.

We proceed to a critical examination of the American Constitution, in its relations to slavery.

In Article I, Section 9, it is declared--"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight . . ."

In this section it will be perceived, the phraseology is so guarded as not to imply . . . any criminal or inhuman arrangement; and yet no one has ever had the hardihood or folly to deny, that it was clearly understood by the contracting parties, to mean that there should be no interference with the African slave trade, on the part of the general government until the year 1808. For twenty years after the adoption of the Constitution, the citizens of the United States were to be encouraged and protected in the prosecution of that infernal traffic. . . . /F/or the sake of securing some local advantages, they choose to do evil that good may come, and to make the end sanctify the means.

Article I, Section 2, provides--"Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

Here . . . veiled beneath a form of words as deceitful as it is unmeaning in a truly democratic government, is a provision for the safety, perpetuity and augmentation of the slaveholding power--a provision . . . still in force, with no possibility of its alteration, so long as a majority of the slave States choose to maintain their slave system . . . a provision which concedes to the oppressed three-fifths of the political power which is granted to all others, and then puts this power into the hands of their oppressors. . . .

Article IV, Section 2, declares,--"No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

Here is a third clause, which, like the other two, makes no mention of slavery or slaves, in express terms; and yet, like them, was intelligently framed and mutually understood by the parties to the ratification and intended both to protect the slave system and to restore runaway slaves. It alone makes slavery a national institution. . . .

> By this stipulation, the Northern States are made the hunting ground of slave-catchers, who may pursue their victims with bloodhounds, and capture them with impunity wherever they can lay their robber hands upon them. . . . How is it possible, then, for the advocates of liberty to support a government which gives over to destruction one-sixth part of the whole population?

4. William Ellery Channing discusses the question of civil disobedience breeding disrespect for all laws.[5]

> Undoubtedly it will be objected, that if one law of the state may in any way be resisted, then all may be, and so government must fall. This is precisely the argument on which the doctrine of passive obediance to the worst tyrannies rests. The absolutist says, "If one government may be overturned, none can stand. Your right of revolution is nothing but the right of anarchy, of universal misrule." The reply is in both instances the same. Extreme cases speak for themselves. We must put confidence in the common-sense of men, and suppose them capable of distinguishing between reasonable laws and those which require them to commit manifest crimes. . . .

5. Albert Bledsoe, a professor of mathematics at the University of Virginia, was one of the participants in the dialogue being carried on between thoughtful men in the North and in the South. He writes as follows:[6]

> The Constitution, it is agreed on all sides, is "the supreme law of the land,"--of every State in the Union. The first duty of the citizen in regard to the Constitution is, to respect and obey each and every one of its provisions. If he repudiates or sets at naught this or that provision thereof, because it does not happen to agree with his own views or feelings, he does not respect the Constitution at all; he makes his own will and pleasure the supreme law. The true principles of loyalty resides not in his bosom. We may apply to him, and to the supreme law of the land, the language of an inspired apostle, that "whosoever shall keep the whole law, and yet offend in one point, he is guilty of all." He is guilty of all because, by his willful disobedience in the one instance, he sets at naught the authority by which the whole was ordained and established.

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[5] William Ellery Channing, Works, 677.

[6] Albert T. Bledsoe, L.L.D., "Liberty and Slavery," Cotton is King (Pritchard, Abbott & Loomis, Georgia, 1860), 454-456.

> In opposing the Fugitive Slave Law, it is forgotten by the abolitionists that, if no such law existed, the master would have, under the Constitution itself, the same right to reclaim his fugitive from labor, and to reclaim him in the same summary manner . . . for as we have seen, the Supreme Court of the United States has decided that by virtue of the Constitution alone the master has a right to pursue and reclaim his fugitive slave, without even a writ or legal process. . . .
>
> But says Mr. Chase, of Ohio, "I do not agree with the Supreme Court of the United States. I do not oppose the Constitution, but the decision of the Supreme Court. A decision of the Supreme Court," he says, "cannot alter the Constitution." This is very true, but then, on the other hand, it is equally true that neither can his opinion alter the Constitution. But here the question arises, which is the rule of conduct for the true and loyal citizen,--the decision of the Supreme Court of the United States, or the opinion of Governor Chase? We decidedly prefer the former. . . .
>
> The question is not whether the decision of the Supreme Court, or the opinion of Mr. Chase, the more perfectly reflects the Constitution. Even if he were infallible, as the Supreme Court is not, we, the people of the United States have not agreed that he shall decide such questions for us. And besides, it would be difficult, perhaps, to persuade the people that he is, for the determination of such questions, any more happily constituted than the Supreme Court itself, with all the manifold imperfections of its Southern members. . . .
>
> If you, good citizen of the North, have a right to set up your opinion in opposition to such decisions, then I have the same right, and so has every other member of the commonwealth. Thus, as many constructions of the Constitution would necessarily result as there are individual opinions in the land. Law and order would be at an end; a chaos of conflicting elements would prevail, and every man would do that which seemed right in his own eyes. The only escape from such anarchy is a just and loyal confidence in the judicial tribunals of the land--is a subjection of the intense egotism of the individual to the will of the nation, as expressed in the Constitution and expounded by the constitutional authorities.

6. At 4 p.m. on November 26, 1850, a meeting was convened in Faneuil Hall attended by citizens in Boston and vicinity who "reverence the Constitution; . . . who wish to discountenance a spirit of disobedience to the laws; . . . and who deem the preservation of the Union

the paramount duty of every citizen. . . ." There were several speakers, among them The Hon. B. F. Hallett.[7]

> Such occasions have presented themselves before today, to test the strength of the Union and the supremacy of an unpopular law over a popular sentiment. I mean unpopular in one section and popular in another section of these States, and in all these crises the laws and the Union have triumphed over all local or sectional interest arrayed against them.
>
> Mr. President, just about eighteen years ago, one of the most numerous and weighty assemblages that ever gathered in this hall since the revolution, came together to pledge themselves to the support of the Constitution and of the laws for the collection of the tariff revenue, then, threatened with nullification by a single southern State. Then Massachusetts insisted on the enforcement of a law which she regarded essential to her property and industry, but which South Carolina detested.
>
> Now, the threatened nullification comes from Massachusetts upon a law which she may dislike but which not only South Carolina but the whole South insist, is vital to the protection of their property and industry. . . .
>
> Now, if one extreme at the South claim more than is in the Constitution for their peculiar institution of slavery, and if another extreme at the North deny and resist what is plainly in the Constitution in order to sustain their peculiar institution of Abolitionism, where shall the friends of the Union take their stand but on the middle ground, the broad platform of the rights of the States in their domestic relations and good faith in carrying out the pledges of the Constitution and the laws made to enforce them?
>
> Allow me to remark on one point . . . in the provisions of the Fugitive Slave Law, which some of our fellow citizens have avowed in this hall, is to be treated like the Stamp Act and never to be enforced in Massachusetts.
>
> If that means anything, it means just what our fathers meant when they resisted the Stamp Act and threw the Tea overboard--Revolution. . . . It is rightful revolution if in the exercise of the reserved sovereignty of the people, it puts down one government, and by organic laws frames another. That is the only American theory of the higher law that is not rebellion, but a sacred right of the people. But if it only resists law, and obstructs its officers,

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[7] B. F. Hallett, Proceedings of the Constitutional Meeting (Beals and Greene, Boston, 1850), 1924.

> while it seeks no new organic form of government through the collected will of the people, it is treason, rebellion, mobism, and anarchy, and he who risks it must risk hanging for it. . . .
>
> But the point which I would refer to in the Fugitive Slave Bill, and the one most insisted on as repugnant to New England feeling is, that it calls upon the citizens to aid the slave taker in capturing the fugitive. I do not so understand it. No man is called upon or can be called upon unless there is resistance to the execution of a process law. If no citizen resists the laws, no other citizen except the officer with his warrant, will be called upon to lift a finger. Now, suppose the officer is resisted, the prisoner rescued, the court invaded, the witnesses assaulted, the magistrate driven from his seat, and you are called to sustain the supremacy of the law or the despotism of the mob! Which side will you take?

7. After the passage in 1850 of the Fugitive Slave Law, the Rev. Ichabod Spencer delivered an impassioned sermon on the topic of civil disobedience.[8]

> There are two great classes of human duty. One of them embraces duties which we owe to God, the other embraces duties which we owe to men. . . .
>
> This classification of duties is not arbitrary. It is founded on truth and nature. Men have relations to God, as their Creator, Upholder, Governor, Redeemer, and rightful Judge; and they are bound to recognize these relations and feel and act accordingly. Men hold relations to one another, as parents, children, citizens, rulers, and subjects; and they are bound to recognize these relations, and feel and act accordingly. Such is the will of God. Such is the law of God. There can be no holiness in man aside from conformity to the will of God in this thing. . . . It would be a fundamental error, if we were to maintain, that religion has nothing to do with the regulation of our conduct towards one another . . . but that it has left all that field of duty to be regulated by the individual preferences of men. It has not done so. Social duties come as really within the field of religious obligation, as any other duties. . . .
>
> God has not seen fit to enact special or particular law for us, to regulate our conduct in all respects, as here associated with one another. . . . He has himself enacted only general laws for us, --laid down great general principles, under the authority and light of which, he has left men to regulate the particulars as they please, by the governments which they establish. . . . He has thus made a difference betwixt the two classes of duties. . . .

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[8] Ichabod S. Spencer, D.D., The Religious Duty, 1-17.

[O]ur social duties are not left to the individual judgement or independent choice of men, in such a sense, that they may obey or disobey human government just as they please. Not in the least. Human government is by the divine will. Obedience to it is obligatory upon men . . . and consequently, our action about human government, our obedience to it, and our disobedience, are as much matters of religion, and coming under its authority and obligation, as are any other matters. . . .

There is indeed a limit to the obedience due to human government. Such a government may become, and sometimes does become, so unjust, oppressive, tyrannical, and cruel, as not to answer the designed and righteous, and beneficial purposes of government for a whole people; and in such a case, it deserves no respect as an ordinance of God, for it is then acting contrary to the will of God and the necessity of society; and the injured and oppressed people may justly rise in rebellion against such a government, and overthrow it if they can. But let it be carefully remembered, that any violent resistance is positive rebellion against the government; and either that resistance must be crushed, or the government must be overturned. There is no middle way. . . . [T]he whole authority and power of the government comes into direct and hostile conflict with the violence which resists the execution of Law. . . . [A] government is at an end when it cannot execute its laws. Let it be carefully remembered also, that violent resistance to Law cannot be justified, when there is no righteous design to overthrow the government itself. . . . To justify violent resistance to the laws, it is not enough that the government is unjust and its laws unrighteous; it is necessary also, that there should be no good ground to hope for a cessation of that unrighteousness in some peaceful way. . . .

A republic is different from a despotism. A nation where a Constitution forming the foundation of Law, limiting its enactments and establishing courts, is plainly written out in language that everybody can understand,--where Constitution and Law provide for their own amendment at the will of the sovereign people expressed in a regular and solemn manner,--where the will of the people thus governs, and . . . where the elective franchise is free, and every man capable of intelligently exercising the right may give his voice for altering the Constitution or law,--and where, therefore, there can be no necessity of violently opposing the laws, and no excuse for meanly evading them. . . .

SECTION V

THOREAU'S "ESSAY ON CIVIL DISOBEDIENCE"

The following is excerpted from Henry Thoreau's famous "Essay on Civil Disobedience." It is a classic philosophical justification of the civil disobedience position and continues even in the twentieth century to be a focal point of the debate.[1]

1. CIVIL DISOBEDIENCE.

I heartily accept the motto,--"That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe,--"That government is best which governs not all"; and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. . . . The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. . . .

But to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but _at once_ a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience?--in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right. . . . Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. . . .

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[1] Henry D. Thoreau, "Essay on Civil Disobedience," _A Yankee in Canada with Anti-Slavery and Reform Papers_ (Fields, Osgood & Co., 1869), 124-137.

The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, &c. In most cases there is no free exercise whatever of the judgment or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens. Others,--as most legislators, politicians, lawyers, ministers, and office-holders,-- serve the state chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the Devil, without intending it, as God. A very few, as heroes, patriots, martyrs, reformers in the great sense, and men, serve the state with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it. . . .

How does it become a man to behave toward this American government to-day? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable. But almost all say that such is not the case now. But such was the case, they think, in the Revolution of '75. If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them. All machines have their friction; and possibly this does enough good to counter-balance the evil. At any rate, it is a great evil to make a stir about it. But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is the fact, that the country so overrun is not our own, but ours is the invading army.

Paley, a common authority with many on moral questions, in his chapter on the "Duty of Submission to Civil Government," resolves all civil obligation into expediency; and he proceeds to say, "that so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God that the established government be obeyed, and no longer. . . . This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other." Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it. This people must cease to hold slaves, and to make war on Mexico, though it cost them their existance as a people. . . .

Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here, who are most interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-off foes, but with those who, near at home, co-operate with, and do the bidding of, those far away, and without whom the latter would be harmless. We are accustomed to say, that the mass of men are unprepared; but improvement is slow, because the few are not materially wiser or better than the many. It is not so important that many should be as good as you, as that there be some absolute goodness somewhere; for that will leaven the whole lump. There are thousands who are in opinion opposed to slavery and to the war, who yet in effect do nothing to put an end to them; who, esteeming themselves children of Washington and Franklin, sit down with their hands in their pockets, and say that they know not what to do, and do nothing. . . .

All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. They will then be the only slaves. Only his vote can hasten the abolition of slavery who asserts his own freedom by his vote.

I hear of a convention to be held at Baltimore, or elsewhere, for the selection of a candidate for the Presidency, made up chiefly of editors, and men who are politicians by profession; but I think, what is it to any independent, intelligent, and respectable man what decision they may come to? Shall we not have the advantage of his wisdom and honesty, nevertheless? Can we not count upon some independent votes? Are there not many individuals in the country who do not attend conventions? But no: I find that the respectable man, so called, has immediately drifted from his position, and despairs of his country, when his country has more reason to despair of him. He forthwith adopts one of the candidates thus selected as the only *available* one, thus proving that he is himself *available* for any purposes of the demagogue. His vote is of no more worth than that of any unprincipled foreigner of hireling native, who may have been bought. O for a man who is a *man*, and, as my neighbor says, has a bone in his back, which you cannot pass your hand through! Our statistics are at fault: the population has been returned too large. How many *men* are there to a square thousand miles in this country? Hardly one. Does not America offer any inducement for men to settle here? The American has dwindled into an Odd Fellow,--one who may be known by the development of his organ of gregariousness, and a manifest lack of intellect and cheerful self-reliance; whose first and chief concern, on coming into the world, is to see that the Almshouses are in good repair; and, before yet he has lawfully donned the virile garb, to collect a fund for the support of the widows and orphans that may be; who, in short, ventures to live only by the aid of the Mutual Insurance company, which has promised to bury him decently.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. . . .

Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support, are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform. Some are petitioning the State to dissolve the Union, to disregard the requisitions of the President. Why do they not dissolve it themselves,--the union between themselves and the State,--and refuse to pay their quota into the treasury? Do not they stand in the same relation to the State, that the State does to the Union? . . .

Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy _is_ worse than the evil. _It_ makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and _do_ better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels? . . .

If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth,--certainly the machine will wear out. . . . but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways which the State has provided for remedying the evil, I know not of such ways. They rake too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not everything to do, but something; and because he cannot do _everything_, it is not necessary that he should do something wrong. It is not my business to be petitioning the Governor or the Legislature any more than it is theirs to petition me; and, if they should not hear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and unconciliatory; but it is to treat with the utmost kindness and consideration the only spirit that can appreciate or deserves it. So is all change for the better, like birth and death, which convulse the body.

I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

I meet this American government, or its representative, the State government, directly, and face to face, once a year--no more--in the person of its tax-gatherer; this is the only mode in which a man situated as I am necessarily meets it; and it then says distinctly, Recognize me; and the simplest, the most effectual, and, in the present posture of affairs, the indispensablest mode of treating with it on this head, of expressing your little satisfaction with and love for it, is to deny it then. My civil neighbor, the tax-gatherer, is the very man I have to deal with,--for it is, after all, with men and not with parchment that I quarrel,--and he has voluntarily chosen to be an agent of the government. How shall he ever know well what he is and does as an officer of the government, or as a man, until he is obliged to consider whether he shall treat me, his neighbor, for whom he has respect, as a neighbor and well-disposed man, or as a maniac and disturber of the peace, and see if he can get over this obstruction to his neighborliness without a ruder and more impetuous thought or speech corresponding with his action. I know this well, that if one thousand, if one hundred, if ten men whom I could name,--if ten *honest* men only,--ay, if *one* HONEST man, in this State of Massachusetts, *ceasing to hold slaves*, were actually to withdraw from this copartnership, and be locked up in the county jail therefore, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever. But we love better to talk about it: that we say is our mission. Reform keeps many scores of newspapers in its service, but not one man. . . .

Under a government which imprisons any unjustly, the true place for a just man is also a prison. The proper place to-day, the only place which Massachusetts has provided for her freer and less desponding spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race, should find them; on that separate, but more free and honorable ground, where the State places those who are not *with* her, but *against* her,--the only house in a slave State in which a free man can abide with honor. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax-bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has done, "But what shall I do?" my answer is, "If you really wish to do anything, resign your office." When the subject has refused allegiance, and the officer has resigned his office, then the revolution is accomplished. But even suppose blood should flow. Is there not a sort of blood shed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now. . . .

SECTION VI

A NEW PROBLEM?

The following selections will probably seem familiar to you. As you read them, notice the dates, places and names. You will easily be able to see what is happening, and will probably begin to think of similarities and differences between these situations and others.

The first several readings are not difficult. The last few not easy. Keep in mind the ideas and questions you have already developed in this unit for they will help you understand the readings in this section.

1. The bus boycott in Montgomery, Alabama was one of the first mass actions of civil disobedience in the South in modern times. Eventually the segregation ordinance which Mrs. Parks refused to obey was declared unconstitutional by the Supreme Court of the United States. Nevertheless, the Rev. Martin Luther King, Jr. and others were subsequently found guilty and convicted of violating a state law against boycotts. In his book Stride Toward Freedom, King describes the origin of this boycott.[1]

> [King's description begins with an explanation of the plight of Mrs. Rosa Parks, who was ordered to get up from her seat on a bus and move to the back in order to give a seat to a white male passenger. She was arrested for refusing, a refusal that King felt was "an individual expression of a timeless longing for human dignity and freedom." The word of this incident spread and led to the successful bus boycott in Montgomery, Alabama by Negroes, which King describes in detail.

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[1] Martin Luther King, Jr., Stride Toward Freedom (Perennial Library, Harper & Row, Publishers, New York and Evanston, 1958), 28-41.

> He then notes that the conviction of Mrs. Parks on a charge of breaking a city segregation ordinance was an important means of arousing Negroes to "positive action" and served as a means of testing the validity of the segregation law. The ethics of the boycott is also discussed by King, and he concludes that the boycott, a a misnomer in this case, was justifiable since he interpreted it as a refusal to cooperate with an "evil system."]

2. Coverage in national news magazines has provided a detailed description of the development of civil disobedience as a form of social protest in mid-twentieth century America. Following is a selection from Newsweek magazine, December 25, 1961:[2]

> [This article describes the march in Albany, Georgia of 275 Negroes, under the leadership of Martin Luther King, Rev. Ralph Abernathy and Dr. W. G. Anderson, which led to their arrest for parading or demonstrating without a written permit. It is noted that similar scenes were "repeated several times" in Albany and thus forced officials to bus prisoners to jails in nearby towns.]

3. An article from Newsweek, February 20, 1961:[3]

> [The refusals of members of the anti-segregation sit-in movement to post bail when arrested, a tactic which filled southern jails "to the bursting point," is discussed in this article. A reference is made to four Negro sit-in leaders who started the trend of "jail not bail" in Rock Hill, South Carolina.]

4. Another article from Newsweek, April 10, 1961:[4]

> [This selection describes a library read-in and street march by Negroes in Jackson, Mississippi, which led to arrests and the use of tear gas and police dogs by the Jackson police. At the time of the trial of the nine students who staged the read-in, a crowd of about 100 Negroes assembled at Jackson's municipal court building. They were dispersed by nightstick wielding policemen and police dogs while the students were being convicted, though it was expected that the students' appeals would provide the means for legally challenging Mississippi's segregation laws.]

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[2] "Integration: Albany Movement," Newsweek, 58 (December 25, 1961), 17-18.

[3] "Finest Hours," Newsweek, 24 (February 20, 1961), 30.

[4] "Read-in: Jackson, Miss.," Newsweek, 57, (April 10, 1961), 27-28.

5. On March 7, 1965, about 525 people set out to march from Selma, Alabama to the state capitol at Montgomery. The purpose of the march, they said, was to present to the Governor a petition to order the Selma registrars to stop discriminating against Negroes.

The Negroes were told to cancel their march. They were refused a necessary permit and were warned not to appear on the highway. The marchers were attacked and beaten by troopers and a sheriff's posse. As a consequence, within two days 1500 people from all over the nation poured into Selma to defy an order prohibiting a second march and to express their solidarity with the Negroes in their campaign to become registered voters. The second march got no further than the first, although there was no violence during the march. This second march, however, took place in violation of a federal injunction. There was ultimately a third Selma-to-Montgomery march, swelled by people from all parts of the nation, accompanied by newsreel cameramen and the United Stated Army. This last one was not enjoined by either local or federal court action.

The New York Times of March 8, 1965 describes the march:[5]

> /The attack by Alabama state troopers and volunteer officers of the Dallas County Sheriff's office on Negro demonstrators in order to enforce Governor George Wallace's order against the march is described. Dr. King then announced plans to begin another march from Selma to Montgomery. This march was halted by state troopers and the marchers were ordered to disperse. After they repeatedly refused, the mounted troopers charged into the crowd./

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[5] Roy Reed, The New York Times, CXIV, (March 8, 1965), 1.

6. An article from the Chicago Tribune, March 10, 1965:[6]

> [After describing Johnson's condemnation of the "brutality against Negro voting rights demonstrators in Selma," the article relates Johnson's statements concerning a special message to Congress recommending voting guarantees for every American, the attempts by the administration to avoid repetition of the Selma incident by cooperating with the courts, and appeals for Negro leaders to abide by court orders and local government officials to prevent any other violence or disorders from developing.]

7. This telegram, sent by Alabama Governor George C. Wallace to President Lyndon Johnson, was reprinted in the New York Times of March 13, 1965:[7]

> [Wallace claims that the issue is not one of voting since that question is being taken up in the federal courts; but rather the problem stems from the defiance of the law by civil rights leaders. He proposes to take all necessary steps to maintain order in the state and feels the state authorities can cope with the situation, though hindered by the civil rights leader who obeys only those laws of which he approves. He concludes by requesting an appointment with the President.]

8. An article in the Chicago Tribune of March 9, 1965, carried Martin Luther King's justification of violating a federal court injunction:[8]

> [In an interview with the press King justifies the breaking of law on the basis of conscience, expresses disapproval of the President's lack of censure for those who have beaten civil rights workers, and claims that he does not encourage violence but the "presence of injustice" does. The excerpt concludes with King's explanation of the purpose of demonstrations as an attempt to "reveal the presence of evil" and invoke positive action by "persons of good will"; it is not to encourage violence.]

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[6] Robert Young, "Johnson Rips 'Brutality' in Selma March," Chicago Tribune, March 10, 1965.

[7] Special to the New York Times, March 13, 1965.

[8] "King Explains Why Negroes Defied Court," Chicago Tribune, (March 9, 1965).

9. From the Chicago Daily News of March 10, 1965:[9]

> [The article refers to the return of Chicago clergymen from the right-to-vote marches in Selma and to their feelings of "terror" and "unity through religion." Rabbi Robert Marx is quoted as feeling uncertain before the march, but while marching he felt no qualms and "considered the role of a law abiding citizen conscientiously violating a federal injunction."]

10. In an article for the New York Times of February 28, 1965, John Herbers, a staff writer, commented:[10]

> [Herbers discusses the purposes of civil disobedience in the classical terms of the oppressed engaged in mass demonstrations in order to cause the oppressor to retaliate and fill up jails and engage in violence. He notes the divided opinion between Negroes on "whether certain practices are in the non-violent tradition." He also points out that it is no longer as easy to provoke Southern whites and authorities as they have gained sophistication in dealing with the civil rights movement. He describes one incident in which Rev. C. T. Vivian had to repeatedly insult Sheriff Clark of Selma before the Sheriff would punch him, since the Sheriff was restraining himself from acting against the demonstration as a whole.]

11. Mr. Staughton Lynd was on the faculty of Spellman College in Atlanta, Georgia when he wrote an article on the use of direct action or civil disobedience.[11]

> [Lynd notes that there is a new emphasis on voter registration because: direct action is too slow and employment and housing discrimination do not seem susceptible to it; voter registration has demonstrated its effectiveness in the past when coupled with direct action; and the Kennedy Administration and private foundations prefer to encourage it rather than civil disobedience which has imposed a tremendous financial burden on the civil rights organizations.

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[9] Arthur Gorlick, "Chicago Clergy Describe Their March," Chicago Daily News, (March 10, 1965).

[10] John Herbers, "Non-Violence--Powerful Rights Weapon," The New York Times, (February 28, 1965).

[11] Staughton Lynd, "Freedom Riders to the Polls," The Nation (July 28, 1962), 29-32.

Direct action is not itself a "comprehensive instrument of social change," and Lynd cites the Abolitionist movement as an example of where both political action and civil disobedience worked together well to bring about change, and he expresses hope that the civil rights movement will continue to use both./

12. A modern statement of concern for the effect of civil disobedience upon the rule of law is advanced by Chicago Attorney Morris Leibman:[12]

/Liebman argues that the concepts of "freedom now" and "righteous civil disobedience" are semantic traps which are inconsistent with society's legal system and may be used for causes for which there is less sympathy. He asserts that we "have an obligation to eliminate discrimination and provide opportunity" but we must settle these issues in the courts./

13. Constitutional questions raised in connection with civil disobedience are discussed in an article by Fred P. Graham in the New York Times, March 10, 1965.[13]

/Graham discusses the classic problem of applying the first amendment in concrete situations in which freedom, as described in the first amendment, and order, which is provided for in state statutes or local ordinances, are both maintained. He explains that the Supreme Court's restrictions on the freedom of conduct of demonstrators are made in order to prevent the infringement on the rights of others; which means that demonstrators cannot choose any place or time to demonstrate and must get parade permits when local ordinances so require, as long as the permits cannot be refused in a discriminatory manner. Situations in Selma, Alabama and Baton Rouge, Louisiana are then discussed as examples of where the freedom and order issue have been raised. It is noted that even when demonstrators abide by local controls for pickets, there are times when officials must disperse the demonstrators because their presence creates a clear and present danger, though law officials are "facing the agonizing search for the proper dividing line" that will prevent a clear and present danger from developing and at the same time protect Americans' constitutional rights./

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[12] Morris I. Leibman, "Civil Disobedience: A Threat to Our Law Society," American Bar Association Journal, 51 (July 1965), 646-7.

[13] Fred P. Graham, "Freedom vs. Order," The New York Times (March 10, 1965).

14. Eight Alabama clergymen issued a statement criticizing Rev. King and his followers for their direct action methods of dealing with racial problems. The clergymen said that "racial matters could properly be pursued in the courts. . . ." and appealed to "both our white and Negro citizenry to observe the principles of law and order and common sense." The Rev. Martin Luther King, Jr. replied in a letter written while he was in Birmingham City Jail in April, 1963:[14]

> [King justifies the demonstrations in Birmingham as the only means of responding to unacceptable conditions since the leaders of the community refused to negotiate in good faith. He claims that the civil rights leaders acted responsibly by waiting until after the March election before demonstrating. He asserts that the ultimate purpose of direct action is to "create a situation so crisis-packed that it will inevitably open the door to negotiation." The Negro, writes King, can no longer wait as he has had to tolerate enough suffering already, suffering which he explains in detail. He argues that breaking unjust laws, (which he defines as being inconsistent with the moral law of God or "a code that a majority inflicts on a minority that is not binding on itself" and which the minority had no part in creating), and being willing to be jailed for breaking them in order to bring the attention of the community to their injustice is actually an expression of "the very highest respect for the law." He notes the historical precedents for civil disobedience, then expresses disappointment with the white moderates because, though they agree with the goals of the civil rights movement, they do not agree with the methods of direct action; methods which he goes on to justify. He responds to the charge of being an extremist by noting that Christ, the apostle Paul, Luther, John Bunyan, Lincoln and Jefferson were also extremists and that the South, nation and world are in great need of such extremists for love and justice.]

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[14] Martin Luther King, Jr., "Letter from a Birmingham Jail," (Fellowship of Reconsiliation, 1963), 6-13.

SECTION VII

ANOTHER POINT OF VIEW

By now you have read many arguments opposed to civil disobedience as well as many arguments in favor of it. During the period 1830-1850, the people insisting that it was morally right and necessary to break certain laws were those unswervingly opposed to the continued enslavement of the Negro in the United States. You have also read about people engaged in programs of civil disobedience during the period 1955-1965. Those people also were concerned with the freedom of the Negro. Now consider the question from another point of view. With the desegregation decision of the Supreme Court in 1954 and the passage of the new Civil Rights Bill in 1964, a different group of people has begun to engage in deliberate refusal to obey certain laws which they claim to be "bad" laws. Can the philosophy and principles of Thoreau, Parker, Bledsoe, King, Leibman, and the others, be applied to this expression of civil disobedience?

1. Anthony Lewis, from whose book, Portrait of a Decade, this brief excerpt was taken, is a reporter and columnist for the New York Times.[1]

> [The excerpt describes Governor George Wallace as a strong segregationist who has blamed racial problems in Alabama on "lawless Negroes" and has refused to cooperate with federal agencies that are attempting to enforce civil rights laws.]

2. Robert F. Kennedy, brother of the late President John F. Kennedy, held the post of Attorney General during some of the most critical

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[1] Anthony Lewis and the New York Times, Portrait of a Decade (Random House, New York, 1964), 189.

moments of the present civil rights movement. In his book, The Pursuit of Justice, he discusses civil disobedience, civil rights, and the law.[2]

> [Kennedy claims that the crisis in civil rights also reflects a crisis in the American legal profession primarily because three legal propositions which have been basic to the system of justice have been used irresponsibly by lawyers and public officials. An interpretation of the Brown v. Board of Education case is cited as an example of how one of the propositions has been misused. He notes that, although "it is proper and constitutional to avail oneself of every legal defense," there must be what he calls "an element of good faith" in which tactics are not used to frustrate justice. The second proposition--"that a court decision binds only those who are a party to it"--does not take into account the legally acceptable proposition that, although a holding only applies to a specific situation, the reasoning of the court applies in all similar cases, and all desegregation matters leave little room for argument as to whether one situation is legally different from another. The third principle--"that a court-made rule of law is always open to re-examination and must be viewed as being susceptible to being overruled"--is not likely to be the case with the court's position on segregation. Kennedy then asserts that the legal system must be responsive to the legitimate grievances of citizens, and in order to do this the legal system must be made to work and the public must be educated, and be able, to use the law as an alternative to direct action outside the law, since direct action, in itself, does not cure "social evils."]

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[2] Robert F. Kennedy, The Pursuit of Justice, Theodore J. Lowi, ed. (Perennial Library, Harper & Row, Publishers, 1964), 76-80.

SUGGESTIONS FOR FURTHER READING

One of the most lucid statements favoring obedience to the Fugitive Slave Law of 1850 was made by Daniel Webster, Senator from Massachusetts, in his famous "Seventh of March Speech." This speech delivered in the United States Senate on March 7, 1850, is included in most collections of American documents, such as Documents of American History by Henry Steele Commager (Appleton, Century-Crofts, 1948). In a political biography, William Jay and the Abolition of Slavery, by Bayard Tuckerman (Dodd, Mead & Company, New York, 1894) presents an intimate picture of the early struggles of the anti-slavery people.

The present day situation is discussed by Louis E. Lomax in his book The Negro Revolt (Harper & Row, 1962). In Chapter 17 he gives special attention to the issue of civil disobedience as a factor in the present civil rights movement. Another book dealing with the development and significance of the modern civil rights movement is Anthony Lewis's Portrait of a Decade (Random House, New York, 1964). Burke Marshall, one of the late President Kennedy's advisors, and a member of the Department of Justice played a vital role in some of the most critical moments of the struggles between southern whites and Negroes. In a brief but cogent book, Federalism and Civil Rights (Columbia University Press, New York and London, 1964), Marshall discusses the role played by the federal government in the clashes over the treatment of Negro citizens. A well-written discussion of the growth of non-violence as a means of social protest in the United States is readily available in Carleton Mabee's essay "Evolution of

Non-Violence" (The Nation, August 12, 1961, pp. 78-81). "Let Us Try at Least to Understand," which appeared in the National Review, June 3, 1961, views the southern resistance to integration with some sympathy.